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Revised 1830
P. S. 1744

John Webster

which bond shall have the force and effect of a replevin bond or sale bond, and execution may issue thereon accordingly; and said Court shall cause the lease money when collected to be distributed in payment of the amount decreed to the claimants; the amount due the claimants shall bear legal interest from the time the same shall have been due by the contract of the parties; and the purchaser shall give bond and security to the commissioner or commissioners for the amount of the purchase money, with interest thereon from the time of sale. The Court, after the claimants have all been paid, shall direct the surplus to be paid over to the owner of the property; and should the proceeds of the sale or lease prove insufficient to pay all the claimants, then the Court shall cause each to be paid in proportion to their respective debts.

S. 3. That where the terms of the lease provided for in the preceding section of this act shall expire, the possession of property so leased shall be delivered up to the owner or his or her legal representatives; and upon failure of the lessee so to do, the party injured shall have the right to institute and maintain his or her action of forcible detainer against any person or persons holding over or being in possession of the same.

S. 4. That none of the persons named in the first section of this act, shall have a lien if they shall have taken security for the payment of their claim or claims.

S. 5. That the complainant or complainants, in any suit instituted under the provisions of this act, may proceed to the proof of their respective claims immediately on the service of process, giving to the employer, contractor or owner, or all of them, as the case may be, legal notice of the time and place of taking of said proof, providing that said defendants reside in said County; and any defendant or defendants claiming a lien, may proceed to the proof of their respective claims immediately on filing their respective answers, asserting and specifying their claims, and giving the notice hereby required to be given; in doing so, the necessary costs required of the defendant, in filing a lien or relief against complainant or complainants, to make their answer or answers a cross bill against the complainants or co-defendants.

in that case the complainant or complainants so suing, shall proceed in the same manner against said defendant or defendants, as is now authorized by law in the circuit courts of this State, in the case of non-residents.

S. 10. That when any person or persons shall be entitled, under the provisions of this act, to lien upon any house or building which may have been erected or repaired on any ground other than city or town lots, the same person or persons shall be held in all such cases, as if the same were in the location of this act, except that the court in rendering a decree against any such house or building in the country, shall direct in said decree that the interest of the owner or employer in the ground upon which said house or building may stand, and not more than twenty acres of the farm or ground adjoining thereto, in convenient shape, shall be sold or leased as directed in said second section; and if the court shall deem it necessary, they may order a survey of said premises to be made.

S. 11. That nothing in this act shall be so construed as to give to the Mayor of the city of Newport, cognizance or jurisdiction of any cause or lien arising under the provisions of this act, out side or beyond the corporate limits of said city, that it shall be the duty of said commissioner or Marshal, or their successors in office, to make a deed to the purchaser of any property sold under the provisions of this act, upon payment of the purchase money and interest.

S. 12. That so much of an act entitled, an act for the benefit of the Mechanics of the towns of Covington and Newport as relates to said town or city of Newport and county of Campbell, approved February 22d, 1834, and an act entitled an act for the benefit of the mechanics of the town of Newport, approved February 26th, 1848, and all other acts coming within the purview of this act, be and the same are hereby repealed.

S. 13. That the provisions of this act shall be and they are hereby extended to the county of Carter.

THOS. W. RILEY Speaker of the House of Representatives.
J. J. CRITTENDEN, Approved,
By the Governor,
J. F. BELL, Secretary of State.
March 5th 1850.



11/11/26

PART FIRST SESS.

OF THE

FORTY-SECOND GENERAL ASSEMBLY

J. M. Webster
FOR THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT,

on Tuesday the 31st day of December, in the year 1833, and of the
Commonwealth the forty-second.

JOHN BREATHITT, GOVERNOR.

[Governor Breathitt died on the 21st day of February, 1834.]

JAMES T. MOREHEAD, LIEUT. AND ACTING GOVERNOR.

PUBLISHED BY AUTHORITY.

FRANKFORT, KY.

Albert G. Hodges, Public Printer, Office on St. Clair Street.

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| Directing the burning of Commonwealth's paper, quarterly, | ib. |
| Fixing on a day for the adjournment of the General Assembly, | ib. |

ACTS

OF

THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY.

CHAPTER 246.—AN ACT to authorize the insertion of advertisements in certain newspapers.

1834.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the "Advocate of Popular Rights," a newspaper, printed in Shelbyville, Shelby county, "Lexington Intelligencer," printed in the city of Lexington, the "Western Observer," printed in the town of Richmond, Madison county, the "Covington Enquirer," printed in the town of Covington, Campbell county, and the "Cross," printed in Frankfort, shall be, and are hereby authorised to publish all advertisements which are authorised or required by law, except such as are required by law to be published in the paper of the public printer exclusively; and all publications and advertisements made in said papers, shall be as good and valid as if made in any other authorised newspaper in this state: and it shall be lawful for the editors of said papers to make such certificates, and charge such fees, as are authorised to be made and charged in any other authorised newspaper in this commonwealth.

Advocate of
Popular Rights.
Lexington In-
telligencer.
Western Ob-
server.
Covington En-
quirer.
The Cross.

[Approved January 13, 1834.]

CHAP. 247.—AN ACT, amendatory to an act concerning the public library, and to appoint a librarian.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the librarian of the public library, to keep the door of the library open for the use of the members of both branches of the Legislature during the hours that the members are in session, and to permit any member of either branch of the Legislature to use, and to take from the library, any volume or volumes

Library to be
kept open, and
members of the
Legislature to
take out books.

1834.

therein, not exceeding four at one time, and to note any volume taken from the library, and by whom, and when taken out.

Members and
clerks to return
books.

Sec. 2. *Be it further enacted*, That it shall be the duty of every member of the Legislature and the clerks of the two houses, to return to the librarian, weekly, every volume taken from the library by any such member or clerk, and for a failure, (without good cause,) to return any volume taken from the library, the member or clerk so failing, shall be liable for the value of such volume, to be recovered in the name of the librarian for the use of the commonwealth.

[Approved January 13, 1834.]

CHAP. 248.—AN ACT altering the times for holding the Fayette and Scott Circuit Courts.

Fayette court
when held.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter there shall be holden three terms of the Fayette circuit court every year, in lieu of those now prescribed by law, to commence on the third Mondays in March, June, and September, and continue for thirty-six juridical days each term, if the business thereof shall require it.

Scott court.

Sec. 2. *Be it further enacted*, That hereafter there shall be holden three terms of the Scott circuit court every year, in lieu of those now prescribed by law, to commence on the first Mondays in March, June, and September, and continue twelve juridical days each term, if the business thereof shall require it.

Process, &c.
made return-
able to first term.

Sec. 3. *Be it further enacted*, That all recognizances or process, which may require or provide for the attendance of persons upon said courts at their respective February terms, shall be continued, and require the attendance of such persons at the March terms of said courts, in lieu of the existing February terms: *Provided*, That nothing herein contained shall be so construed as to prevent the judges of said courts from holding adjourned terms, as now authorized by law.

[Approved January 13, 1834.]

CHAP. 249.—AN ACT for the benefit of Frances Kircheval.

1834.

Whereas, it is represented to this legislature that Francis Kircheval, a lady of Logan county, has been very much afflicted for many years, and is unable to perform any bodily labor whatever; and whereas, doubts exist whether or not the county court, under existing laws, have any right to make any allowance out of the levy of the county for the support of the said Frances, they having established a poor-house in said county, and the situation of the said Frances requires that she shall live with her friends: for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the county court of Logan county, at their next levy court, to inquire into the situation and condition of Miss Frances Kircheval, and upon proof being made to the said court, a majority of all its justices being present, that the said Frances Kircheval is in a situation which requires aid, it shall be the duty of said court to make a reasonable and competent allowance for her support out of their next county levy, any law or usage to the contrary notwithstanding.

[Approved January 15, 1834.]

CHAP. 250.—AN ACT to direct the sale of a lot of ground and meeting house in Bath county, called New Salem.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that Jesse McPherson and his wife, late of the county of Bath, in the year 1821 conveyed to Abraham Switzer, William Holland, Frederick Haward, Robert Kelsoe, and Thomas Perry, as trustees, a lot of ground situated in the county of Bath, on the waters of Flat Creek, containing one acre and sixteen poles, in trust for the use and benefit of the Methodist Episcopal Society, for the purpose of erecting a meeting-house thereon for the use of said Methodist Society. And it is further represented, that the trustees aforesaid did erect a comfortable log meeting-house thereon, called New Salem, which they continued to occupy as such for several years; but now is entirely abandoned by them owing to the removal of all of the trustees and members of the society at that place; and it is desired by

Recital.

1834.

the Methodist Society in that section of country that said lot of ground and the interest they have in said meeting-house should be sold: Therefore,

A commissioner appointed to sell the meeting-house.

Proceeds how to be applied.

Commissioner first to give bond and security.

Conditions thereof.

Sale to be advertised and a deed to be made by the commissioner.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the Reverend John Vice, of the county of Bath, to sell to the highest bidder the aforesaid lot of ground and all the interest the Methodist Society have in said meeting-house, on a credit of six months, and the proceeds arising from said sale to be vested in the erection or improving other meeting-houses in the Mount Sterling circuit, under the direction of the conference of Methodists in said circuit.

Sec. 2. *Be it further enacted*, That it shall be the duty of said Vice, before he enters upon the duties enjoined on him by the first section of this act, to enter into bond and security in the Bath county court, in the sum of one hundred dollars, payable to the commonwealth, the security to be approved of by said court, conditioned for the faithful discharge of his duty, and the just application of the proceeds arising from said sale. And it shall be the duty of said Vice to advertise the sale, at least one month before making the same, at the court house door in the county of Bath, and at one or more public places in the neighborhood of said meeting-house, and the sale to be made upon the premises: and it shall be the further duty of said Vice to make a deed of conveyance in the nature of a quitclaim, to the purchaser or purchasers, upon the payment of the purchase money.

[Approved January 15, 1834.]

CHAP. 251.—AN ACT to organize a Fire Company in the Town of Frankfort.

A fire company may be organized not exceeding 75 in number.

Authorized to elect officers and enact by-laws.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That any of the citizens of Frankfort, not exceeding seventy-five in number, shall be, and they are hereby authorized to organize a fire company, which, as soon as twenty citizens of said town shall have joined said company, may proceed to the election of one captain, one first and one second lieutenant, one treasurer and clerk: the said officers to appoint such other officers as may be deemed necessary, and adopt all such regulations and

by-laws as may be considered proper and useful for the good management and discipline of said company.

1834.

Sec. 2. *Be it further enacted*, That said company shall meet at least once in each month, and, under the control of the officers, practice themselves in the use and working of their engine, not less than one, nor more than two hours.

The company to meet once a month to exercise, &c.

Sec. 3. *Be it further enacted*, That it shall be the indispensable duty of each officer and member of said company, when alarms of fire are given, to meet promptly with their engine, buckets, and other apparatus, to extinguish the same, and shall in all cases render obedience to the officers of said company; and for any failure of duty, non-attendance, disobedience of orders, &c. shall be liable to a fine not exceeding three dollars: the fines assessed to be immediately listed with and collected by a collector to be elected by the company, or by the town collector, or any constable selected by the officers of the company, in case there be no company collector: who shall, without delay, proceed to collect all fines and pay over the same monthly to the treasurer of the company, retaining ten per cent. for the collections actually made: and may be proceeded against by the commanding officer of the company for any failure of duty, in the same manner as the town collector of Frankfort now is for the taxes he may collect.

Each officer and member to meet on alarms of fire.

May be fined for non-attendance, disobedience of orders, or neglect of duty.

Fines, how collected, &c.

Sec. 4. *Be it further enacted*, That the senior officers present to take command, or preside, being ranked as named in this bill, and the captain and lieutenants, treasurer and clerk, shall constitute a court of assessment, and any three of them shall be competent to hear and determine all cases presented to them under this law and the by-laws of the company.

The officers of the company to constitute a board for the assessment of fines.

Sec. 5. *Be it further enacted*, That the clerk shall keep a book in which he shall record whatever may be done by the company and court aforesaid; and the treasurer shall keep a book to enter all moneys received and paid out by him. Each of these officers shall receive such compensation for these duties as may be fixed by the company; and keep their books open to the inspection of any member of the company at all times. The residue of the fines collected shall be appropriated by the officers in building or repairing their engine-house and engine, purchasing hose, ladders, buckets, and other necessary instruments and apparatus used by fire companies: all orders for money to be

The duties of the clerk and treasurer.

Fines how to be appropriated. The money of the company, how to be drawn from the Treasury.

1834. drawn by the commandant of the company on the treasurer and countersigned by the clerk.

The company
exempted from
militia duty.

Proviso.

Sec. 6. *Be it further enacted*, That the officers and members of said company, so long as they continue as such, shall be exempt from militia duty in time of peace: *Provided*, That any member may be expelled by a vote of the company for bad character, reprehensible neglect of duty, or refusal and failure to pay the fines assessed against him.

Saving clause.

Sec. 7. *Be it further enacted*, That nothing in this act contained, shall be so construed as to divest the trustees of Frankfort of any property they may now hold in the said engine, hose, ladders, and other apparatus; but the said trustees and their successors shall have power to resume the possession and control of the same when by them deemed proper.

[Approved January 15, 1834.]

CHAP. 252.—AN ACT to regulate the fines and forfeitures of Nicholas County.

The fines and
forfeitures in
said county to
be applied to
lessening the
county levy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all fines and forfeitures now accruing, or which may hereafter accrue in the county of Nicholas, be, and the same are hereby appropriated to the lessening of the levy of said county; and that all officers who may have heretofore collected, or may hereafter collect, any such fines and forfeitures under the laws of this commonwealth, they may, and are hereby directed to pay the same over to the order of the county court of said county; and that said court appropriate the same to the reduction of the levy of said county, all laws to the contrary notwithstanding.

[Approved January 17, 1834.]

CHAP. 253.—AN ACT to provide for the annual appointment of commissioners to take in lists of taxable property, and for the annual valuation thereof.

Part of the act
of 1831 repeal-
ed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the act, entitled "an act to amend the revenue laws," approved December 23, 1831, as requires a biennial ap-

pointment of commissioners to take in lists of taxable property, shall be, and the same is hereby repealed: and that the county court of every county shall, at the January, February, or March terms in the present year, and at the January or February terms in every year thereafter, appoint commissioners to take in the lists of taxable property, who shall proceed in each year, immediately after their appointment, to take in such lists: and the auditor of public accounts, the sheriffs, the county court clerks, and said commissioners, shall be governed in all things by the revenue laws now in force, and as amended by this act.

1834.

Commissioners of tax to be appointed annually to take in lists of taxable property.

Duty of auditor, clerks, sheriffs, &c.

Sec. 2. *Be it further enacted*, That it shall be the duty of the auditor of public accounts to transmit, as soon as may be, by mail, to each of the clerks of the county courts in this commonwealth, a printed copy of this act.

Copies of this act to be transmitted to the several county courts.

[Approved January 17, 1834.]

CHAP. 254.—AN ACT to extend the boundary of the Maysville Election Precinct in the County of Mason.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the boundaries of the Maysville election precinct in the county of Mason, be, and the same is hereby extended so as to include the farms and dwellings of Benjamin Willett, Robert Fristoe, and Richard Fristoe.

[Approved January 17, 1834.]

CHAP. 255.—AN ACT to authorize the election of trustees for the town of Monticello.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the citizens of the town of Monticello, who are entitled to vote for members of the legislature, shall elect five trustees for said town, the election to be held in the months of March, April, or May, annually, in the court house in said town; the first election to be held on any day in the month of March, April, or May, that the clerk of the Wayne county court may designate; whose duty it shall be to give notice in writing on the court house door at least five days previous thereto: and every year there-

Annual elections for trustees to be held.

Notice thereof to be given.

1834.

after, it shall be the duty of the clerk of said trustees to fix upon a day in the said months of March, April, or May, and to give a like notice: and the said trustees, when elected, shall, in the discharge of their duties, be governed by the general laws now in force regulating and prescribing the duties of the trustees of towns.

If an election
for Trustees
should be omit-
ted, the county
court of Wayne
may appoint.

Sec. 2. *Be it further enacted*, That if at any time there should not be an election for trustees for said town, within the time prescribed, the county court of Wayne is hereby authorized to appoint trustees, who shall act until another election can be held, agreeable to the provisions of this act.

[Approved January 17, 1834.]

CHAP. 256.—AN ACT to allow additional terms to the Jessamine County Court.

Additional
terms to be held
in the months
of April, July
and October.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the county court of Jessamine shall hold terms of said court on the second Mondays in April, July, and October, in addition to the present terms allowed by law.

[Approved January 17, 1834.]

CHAP. 257.—AN ACT for the benefit of the heirs of Samuel Allison, deceased.

Recital.

Whereas, it is represented to the present General Assembly of the Commonwealth of Kentucky, that Samuel Allison, of Madison county, departed this life, intestate, in the summer of 1833, leaving Lena Allison, his widow, and Eliza Allison, William C. Allison and Henry Allison, his heirs and legal representatives: That said Allison died, leaving no estate, except two tracts of land to each: Westcott's survey of 10,000 acres, lying in the counties of Bullitt and Jefferson, and William Fleming's survey, lying on Floyd's fork, in said counties, parts of which tracts the said Allison had sold in his life time, but had made no deeds of conveyance, and that said tracts of land are involved in dispute and litigation; and the said Lena Allison, Elizabeth Allison, (who has arrived at the age of twenty-one years,) and Edwin Curle, guardian for the

said William C. Allison and Henry Allison, have petitioned this General Assembly, setting forth in said petition, that it would greatly redound to the interest of said heirs, that a law shall be passed, authorising the said Curle, guardian as aforesaid, to sell and convey the interest of his wards, in said lands, or compromise the claims, so far as the interest of his wards is concerned, and to convey on their behalf, the land sold by the said Allison in his life time: Therefore,

1834.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Edwin Curle, guardian as aforesaid, be, and he is hereby vested with authority to convey the interests of the said William C. Allison and Henry Allison, of, in and to the land sold by the said Samuel Allison in his life time, and to compromise, on behalf of his wards, said claims, and sell and convey the same on such terms, and in such manner as he shall deem most beneficial to the said William C. Allison and Henry Allison: *Provided,* The said Edwin Curle shall first execute, and acknowledge bond with approved security in the County Court of Madison county, conditioned to faithfully perform the duties imposed on him by this act, and that he will render a true and faithful account of his actions and doings therein, to said Court, whenever thereto required by said Court, and pay over to the persons entitled to receive the same, the amount of money which he may receive, under and by virtue of the trust created by this act.

The guardian of the infant heirs authorized to convey certain lands and compromise land claims.

To give bond and security in the Madison county court.

[Approved January 20, 1834.]

CHAP. 258.—AN ACT to authorise Fleming Jones to build a mill dam across the south fork of Little Barren River.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall, and may be lawful for Fleming Jones of Barren county, to build a dam across the south fork of Little Barren River, adjoining his lands, for the purpose of erecting a water grist and saw mill thereon, under the same regulations as are now provided by law.

[Approved January 20, 1834.]

1834.

CHAP. 259.—AN ACT for the benefit of Alfred Bowren.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of eighty-three dollars be, and the same is hereby allowed to Alfred Bowren, as a compensation and remuneration for costs and expenditures, in pursuing and apprehending three individuals, Brackley, McGill and Dunbar, who were committed to the jail of Clarke county, and escaped therefrom.

SEC. 2. *Be it further enacted*, That the Auditor be, and he is hereby authorised and directed to issue his warrant upon the Treasurer in favor of said Bowren, for the said sum of eighty-three dollars, which said sum the Treasurer is hereby directed to pay out of any moneys in the Treasury, not otherwise appropriated.

[Approved January 20, 1834.]

CHAP. 260.—AN ACT to change the venue in the case of George Lansdown.

Recital.

Whereas, it is represented to the present General Assembly, that George Lansdown is confined in the jail of Bath county, upon a charge of murder, committed upon the person of his own slave, and that it is believed by him, and so proven, that the Judge who presides in said Circuit Court is unfriendly to him; that there is great prejudice existing against said Lansdown: and moreover, that the prosecuting Attorney, in said county, is nearly related to the prisoner; and he has petitioned the Legislature for a change of the venue for his trial: Therefore,

The Bath circuit court to hold a special term for his trial.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Judge of the Bath Circuit Court shall hold a special term for the trial of the said George Lansdown, on the fourth Monday in January, 1834, which Court shall meet and adjourn from day to day, in all respects as other terms of said Court, until all that is required by this act to be done by said Court, shall have been done.

A grand jury to be empannelled and sworn. Clerk to issue summons for witnesses.

SEC. 2. *Be it further enacted*, That the Sheriff shall summon a grand jury, who shall be sworn and empannelled, and be governed in all respects by the laws now in force regulating proceedings in criminal cases; and it shall be the duty of the Clerk of the Bath Circuit Court to issue summons to compel the attendance

of witnesses at the said term, in behalf of the Commonwealth.

1834.

SEC. 3. *Be it further enacted*, That if the grand jury shall return a true bill against said Lansdown, he shall have the right to make his election, either to be tried in the Bath Circuit Court, or the Fleming Circuit Court, and upon his electing to be tried in the Fleming Circuit Court, and the same being entered of record, the Sheriff of Bath county shall forthwith convey said George Lansdown, under sufficient guard, to the jail of Fleming county, there by the jailor to be safely kept until discharged by due course of law.

If a true bill is found, the prisoner may have his election to be tried in Fleming county

Proceedings thereupon.

SEC. 4. *Be it further enacted*, That the Clerk of the Bath Circuit Court shall transmit to the Clerk of the Fleming Circuit Court, (upon said Lansdown's election, as aforesaid, to be tried in the Fleming Circuit Court,) all the original papers filled in said cause; and the Judge of the Bath Circuit Court is hereby directed to take the recognizances of the witnesses in behalf of the Commonwealth, in a reasonable penalty, conditioned for their appearance and attendance at the next succeeding term of the Fleming Circuit Court, upon the first day thereof, and until legally discharged by said Court.

The papers, &c. to be transmitted to the Fleming circuit court.

Witnesses to be recognized for their appearance.

SEC. 5. *Be it further enacted*, That if the said George Lansdown shall elect to be tried in the Fleming Circuit Court, then and in that case the said Court shall have as full and complete power and jurisdiction over said cause, as if the offence had been committed in the county of Fleming, and shall hear and determine the same, under the same rules and regulations as are now prescribed by law for like offences, and the like power to compel the attendance of witnesses.

Power and jurisdiction conferred on the Fleming circuit court to hear and determine the case.

SEC. 6. *Be it further enacted*, That if the papers and proceedings, by any accident, or neglect, should not be sent to the Clerk of the Fleming Circuit Court, the said Lansdown shall take no advantage thereof, but a new prosecution may be commenced against him, as if the offence had been committed in Fleming county:

If the papers should not be forwarded, a new prosecution may be commenced in Fleming county

SEC. 7. *Be it further enacted*, That the Clerk of the Bath Circuit Court shall copy all the steps and orders taken in said cause, and also make out a list of all the original papers, and certify the same under his hand, and forward the same to the Clerk of the Fleming

The duty of the clerk of the Bath Circuit C. upon the election being made

1834.

circuit court, there to be filed with the papers of said prosecution.

The prisoner to have his election entered of record.

SEC. 8. *Be it further enacted*, That the election of the said George Lansdown, as given in this act, shall not be made until after a grand jury shall have passed upon his case; upon the indictment for murder, or manslaughter, which may be preferred against said Lansdown, and at the time the said Lansdown shall so make his election, (shall he elect to be tried in the Fleming circuit court,) he shall also agree of record, that he will abide by, and in all respects submit to the provisions of this act, which agreement shall also be copied among the steps and orders.

A new grand jury and indictment may be found in case the indictment is defective.

And a trial had thereupon as if the offence had been committed in Fleming county.

SEC. 9. *Be it further enacted*, That, should the Fleming circuit court, for any cause whatever, adjudge the indictment so found in the Bath circuit court to be defective, said court shall not, for that cause, discharge the said Lansdown out of custody; but shall direct a grand jury forthwith to be empannelled, and shall charge the said grand jury specially to enquire into said offence, for which the said Lansdown may have been charged in the indictment in the Bath circuit court; and if the grand jury, so empannelled, shall find a true bill against the said Lansdown upon any indictment preferred against him, the said Fleming circuit court shall, in all respects, proceed to the trial; and upon conviction to the judgment, and if capital, to the execution of said George Lansdown, in the same manner as though the offence of which he is found guilty had have been committed in the county of Fleming; and in every other respect, the said circuit court of Fleming shall adopt the proceedings, so as to secure a fair and impartial trial of the said Lansdown, and shall carry its judgments and its orders into execution, in the same manner as if the offence had been committed in the county of Fleming.

The prisoner not to be discharged on account of any number of continuances.

SEC. 10. *Be it further enacted*, That said George Lansdown shall take no advantage, or be discharged out of custody on account of any number of continuances granted in the said Fleming circuit court, either on his own application, or that of the Commonwealth, because of the absence of witnesses, or for other good cause.

[Approved January 20, 1834.]

CHAP. 261.—AN ACT authorising Levi Jones to withdraw the will of Richard Jones Waters from the County Court of Jefferson.

1834.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the clerk of the county court of the county of Jefferson, be, and he is hereby authorised and directed, upon the application of Levi Jones, administrator, with the will annexed, of Richard Jones Waters, to deliver to him the original will of said Waters, now on file in the aforesaid office.

[Approved January 20, 1834.]

CHAP. 262.—AN ACT to legalise the proceedings of the Caldwell County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proceedings of the county court of Caldwell county, at their November term last, be, and the same are hereby legalized, and made as valid as if a majority of the justices in commission had been present, and that all levies made by said court, at their said November term, shall be good and valid, to all intents and purposes.

The proceedings at the November Term 1833 legalized.

[Approved January 20, 1834.]

CHAP. 263.—AN ACT to empower the Trustees of the town of Lebanon to open Alleys in said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That each and every person, being the owner or owners of any lot or lots in the town of Lebanon, may go before the clerk of the board of trustees of said town, and by a deed for that purpose, to be entered on the said clerk's record, cede to the said trustees, so much of his, her or their lot or lots, as may be necessary, for the purpose of opening alleys in said town, and the parts of lots when so ceded, shall be absolutely vested in said trustees, and their successors forever; and it shall be their duty as soon as such cession shall have been made, to proceed to open the same forthwith.

The trustees authorised to receive conveyances from the owners of lots for the purpose of opening alleys.

[Approved January 20, 1834.]

1834.

CHAP. 264.—AN ACT to change the place of voting at a precinct in Grant County, and for other purposes.

The place of holding elections in the precinct in Grant county changed

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, that instead of holding the elections at the precinct in Grant county, at the house of John Ford, on Ten mile creek, as now prescribed by law, that they shall in future be held at the house now occupied by Reuben L. Coleman, on Eagle creek, in said county, under the same provisions and regulations as were enacted in establishing said precinct, at the house of John Ford.

The place of voting in a precinct in Laurel county changed.

SEC. 2. *Be it further enacted*, That so much of the act, entitled, an act to establish an election precinct in Laurel county, approved December 16th, 1829, and to establish precincts in sundry counties, as directs the qualified voters in said precinct, to hold all their legal elections at the house of John Cassell, shall be, and the same is hereby repealed; and in future the said elections shall be held at the house of Mark Dees in said precinct, under the same rules and regulations as provided for in the above recited act.

An election precinct established in Scott county.

SEC. 3. *Be it further enacted*, That all that part of Scott county, within the following bounds, viz: beginning at Barkley's cross roads, thence east to the dividing line between the counties of Bourbon and Scott, thence with said line to the dividing line between the county of Harrison and Scott, thence with said line to the Beaches, on the south side of said line, and north from Mulberry's mills, thence to Mulberry's mills, thence to Samuel Penn's mills, thence to Low Sutfine's house, thence to the beginning, shall constitute the Turkey foot election precinct. And the qualified voters in said district, may meet at the house now occupied by Bushrod Wash, for the purpose of voting at all legal elections.

The bounds thereof and place of holding elections.

Judges and clerk to be appointed to conduct the elections therein.

SEC. 4. *Be it further enacted*, That the county court of Scott county, at the time they appoint judges for elections, to appoint judges, clerks and sheriffs to attend at said precinct, and execute the duties assigned them, under the several laws regulating elections in this Commonwealth.

Voters in Scott may vote at the court-house or any precinct.

SEC. 5. *Be it further enacted*, That nothing herein contained shall be so construed as to prevent any qualified voter residing in said precinct, from voting at any other precinct in said county, or at the court house.

SEC. 6. *Be it further enacted*, That it shall be lawful, and the duty of the sheriff of Scott county, to attend by himself, or deputies, at all elections by law; and in comparing the polls, shall be governed by the laws regulating election precincts in said county.

1834.

The sheriff of Scott to attend the election in the precinct.

SEC. 7. *Be it further enacted*, That the election precinct heretofore established at Visalia, in the county of Campbell, be, and the same is hereby abolished and discontinued.

The election precinct at Visalia in Campbell county abolished.

SEC. 8. *Be it further enacted*, That all that part of the county of Harlan, included in the following boundary, viz: beginning on the top of the big black mountain, opposite the widow Bailey's, running a straight course to the top of the little black mountain, thence running with the top of said mountain, up to the head of the Clover fork of Cumberland river, thence across the head of said fork to the top of the aforesaid big black mountain, thence with the top of said big black mountain, down to the beginning, so as to include all the inhabitants above the widow Bailey's on the waters of said Clover fork, shall constitute an election precinct in said county, to be called the Clover fork precinct.

An election precinct established in Harlan county.

The bounds thereof.

SEC. 9. *Be it further enacted*, That the elections in said precinct, shall be held at the house of Jonathan Kelley, under the same rules and regulations, as in other cases: *Provided, however*, That it shall be lawful for the voters residing in the bounds of said precinct, to vote at the court-house if they choose so to do, but subject to the penalties prescribed by law, for the offence of voting more than once at the same election.

Place of voting therein.

Proviso.

SEC. 10. *Be it further enacted*, That the qualified voters in the upper precinct in Bath county, and by some called the Harmon precinct, shall hereafter meet at the house of Samuel C. Gill, in said precinct, to vote at all legal elections; but nothing in this act shall be so construed, as to prevent any of the voters in said precinct from voting at the court house, if they choose.

The place of voting in the precinct in Bath county changed

[Approved January 20, 1834.]

1834.

CHAP. 265.—AN ACT to repeal an act, entitled, an act to authorise the sale of Lebanon Meeting-house, in the county of Todd, approved December 15th, 1832.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to authorise the sale of the Lebanon meeting-house, in the county of Todd, approved December 15th, 1832, be, and the same is hereby repealed.

[Approved January 24, 1834.]

CHAP. 266.—AN ACT for the benefit of Robert Sanders.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for Robert Sanders, to make a change of so much of the state road leading from Lexington to Ghent, in Gallatin county, as passes near his mill, on his land in Gallatin county, by beginning at a point near the said mill, and running so as to leave said mill between said road, and Lick creek, intersecting the old road, at a nearer and most convenient point, after passing the mill. And when said alteration shall be made and occupied, or worked upon by the overseer of said road, the said alteration shall be taken as established, and held as part thereof, to all intents and purposes.

[Approved January 24, 1834.]

CHAP. 267.—AN ACT for the benefit of the heirs of James Speed.

Recital.

Whereas, James Speed or East, late of the county of Jessamine, being a man of color, departed this life without issue, leaving estate, both real and personal, within this state; and the said James Speed left the following brothers and sisters, who were also free born, viz: Elijah Speed, Henry Speed, Sucky, who intermarried with Major Honiday, also Fanny, who was the only daughter of Margaret, another sister of said James, who is also dead, the said Fanny having intermarried with James Pilligin, all of whom are persons of color, and leaving also his mother, Susan Speed, who is also free born. And whereas doubts exist whether the estate of said James Speed passes to the persons aforesaid by descent, and they all having petitioned

the Legislature to pass an act, authorising them to take the said estate by descent, as though they were legal heirs, and recognised as such by law: Wherefore,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the estate of the said James Speed, as aforesaid, shall pass to the persons aforesaid, and be distributed and divided among them, according to the laws of this State, regulating and passing estate of inheritance by descent, in the same manner, and to the same extent as the persons aforesaid, would be entitled to take and hold the same under the existing laws, if they were white persons, and the issues of marriages deemed legal in law.

The estate of James Speed how to descend

[Approved January 24, 1834.]

CHAP. 268.—AN ACT to establish an Election Precinct in Graves County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an election precinct shall be, and the same is hereby established in the county of Graves, to be holden at the house of Joshua Boarze, in said county.

[Approved January 24, 1834.]

CHAP. 269.—AN ACT to establish an election precinct at the house of Benjamin Hale, on Troublesome Creek, in Perry County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an election precinct be, and the same is hereby established in the county of Perry, to be holden at the house of Benjamin Hale, on Troublesome creek, and known by the name of Walker precinct. The county court of said county are hereby authorised, and directed to appoint officers under the general law now in force; to hold an election at said precinct, at all elections to be holden by law.

[Approved January 24, 1834.]

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CHAP. 270.—AN ACT for the benefit of William M. Lane.

Whereas, it is represented to the satisfaction of this General Assembly, that it would be greatly to the interest of William M. Lane, infant heir of Samuel Lane, deceased, to permit him, by his guardian, to exchange the lot of land allotted to him in the division of the real estate, under and by virtue of a decree of the Simpson circuit court, for the lot made and assigned to Thomas H. Lane, now owned by Henson Hunt, his brother-in-law:

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the said William M. Lane, by his guardian, by petition setting forth the facts, to apply to the circuit court of Simpson county, to which the said Hunt shall also appear and file his assent in writing to the said exchange; and if upon examination of the whole facts, and such evidence as may be furnished by the parties, the court shall be of opinion that the exchange of the lots will be of advantage to the said William M. Lane, a decree shall be made directing the exchange, and the deeds to be made between the parties, which deeds shall, when made, be acknowledged by the parties before said court, and also by the same parties before the clerk of the county court, in the manner in which deeds are required by law to be executed.

[Approved January 24, 1834.]

CHAP. 271.—AN ACT to add a part of the County of Knox, to the County of Laurel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of Knox county, lying in the following boundaries, viz: beginning at the mouth of Horse creek, on Lynn Camp creek, to include McHargue's mill, on Lynn Camp creek, thence with the road from the mill to William McHargue's, Jr. to Horse creek, thence down Horse creek to the beginning, be, and the same is hereby added to the county of Laurel.

Boundaries of
the addition to
Laurel county.

[Approved January 24, 1834.]

CHAP. 272.—AN ACT to abolish certain Election Precincts in the County of Pike, and for other purposes.

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Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the law establishing an election precinct in the county of Pike, at the mouth of Big creek at the house of John Deskins, and an election precinct at the house of Terrell Evans, in Pike county, be, and the same is hereby repealed.

Election precincts in Pike abolished.

Sec. 2. *Be it further enacted,* That an election precinct be established at the mouth of Pond creek in said county of Pike, to be holden at the house where Henry Smith now resides; and that all elections holden at said precinct be governed in all respects as other elections in like cases are by law governed.

A precinct established at the mouth of Pond creek in Pike county.

Sec. 3. *Be it further enacted,* That the place of voting in the election precinct in the town of Shippingport, in the county of Jefferson, shall hereafter be held at the house at present occupied by Andrew Wybrant, instead of the house of Mary Palmer, the present place of voting.

The place of voting in Shippingport precinct changed.

[Approved January 24, 1834]

CHAP. 273.—AN ACT to authorise the County Court of Wayne to sell a small piece of ground, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a majority of all the justices of the peace in and for Wayne county being present, that it shall and may be lawful for said county court (if they deem it expedient and advisable) to direct the sale of a small piece of public ground adjoining the lot of William Simpson; and when sold, the trustees shall make a deed to the purchaser for said piece of ground.

The county court authorized to sell a part of the public ground—

Sec. 2. *Be it further enacted,* That it shall be lawful for the county court of Wayne to sell the present clerk's office in the town of Monticello, and to provide for the erection and establishment of a new clerk's office, and to have the new office erected upon such of the public ground as belongs to the county, or to purchase other ground for that purpose, if they deem it advisable so to do.

and the clerk's office—and to erect a new clerk's office.

Sec. 3. *Be it further enacted,* That a majority of all the justices of the peace in commission in said county, shall concur in any and all the acts said court is authorized to do in the second section of this act.

A majority of the court to concur.

[Approved January 24, 1834.]

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CHAP. 274.—AN ACT for the benefit of Elijah Barnes.

Authorised to erect a fish dam on the Beech fork of Salt river.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for Elijah Barnes, of Nelson county, to erect a fish-dam and trap on the right hand chute of the Beech Fork at Cedar creek island, about one hundred and fifty yards below the upper end of said island, a few yards below the mouth of Cedar creek.

The county court of Nelson authorised to, have the same abated if detrimental to navigation, &c.

Sec. 2. *Be it further enacted*, That should said fish-dam and trap hereafter prove detrimental to the navigation of the said Beech Fork, it shall be the duty of the Nelson county court, upon application of any person, the said Barnes or his assigns having ten days notice of making the same, upon motion, to order the said dam and trap to be removed by the sheriff of the county at the cost of said Barnes; and the said court shall render judgment upon such motion for the costs: and nothing in this act shall be so construed as to exempt the said Elijah Barnes, or the owner of the land to whom he may hereafter transfer the same, from any and all liability for damages which may arise or accrue to any one on account of the building or continuing said dam and trap.

Proviso.

[Approved January 24, 1834.]

CHAP. 275.—AN ACT to authorise the Board of Internal Improvements for Shelby County to erect a Toll gate.

A toll gate may be erected at which half tolls may be collected.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Board of Internal Improvements for Shelby county shall be, and they are hereby authorized and empowered to erect across the turnpike by them constructed east of Shannon's horse-mill, during the past year, a toll gate, and to collect and receive of, and from all and every person or persons using the said turnpike, half tolls, or tolls at the rate of fifty per cent upon the rates or tolls authorized to be received and collected by virtue of an act to constitute a Board of Internal Improvements for Shelby county, approved January 29, 1830.

Upon completion of the road to Hardinsville another gate authorised to collect tolls for the whole dis-

Sec. 2. *Be it further enacted*, That the said board, when they shall have completed the turnpike now in progress from Adam Middleton's tavern to the Benson bridge at Hardinsville, being about seven miles in length, shall be, and they are hereby authorized and

empowered to erect a toll gate across said turnpike, and to collect and receive tolls at said gate of and from all and every person or persons using said turnpike, for the whole seven miles or whatever distance it may be from said Middleton's to the said bridge at Hardinsville, at the same rate per mile that said board are now authorized by law to receive and collect from persons using five miles of said turnpike: *Provided*, That said gate shall not be erected across said turnpike west of Gill's tavern.

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—
tance from A.
Middleton's.

Sec. 3. *Be it further enacted*, That the first section of this act shall be and continue in force from and after its passage until the said board shall have completed the turnpike from Adam Middleton's tavern to Hardinsville, and no longer.

§ 1. How long
to continue in
force.

[Approved January 24, 1834.]

CHAP. 276.—AN ACT to change the bounds and place of voting in an election precinct in Bracken County.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of a law establishing an election precinct in Bracken county, known by the name of the Snag precinct, as relates to the bounds thereof and place of voting, be, and the same is hereby repealed.

Sec. 2. *Be it further enacted*, That the bounds of said precinct shall be as follows, viz: Beginning at the mouth of ——— creek, and up said creek to the fork above Burn's mills, thence up the right hand on Cedar Fork until it strikes the line of Powers' precinct, thence with said line to the Pendleton county line, thence with said county line to the Ohio river, thence up the same to the beginning.

Sec. 3. *Be it further enacted*, That the place of voting in said precinct, be changed from the house of Joseph Houston to the house of Andrew McClanahan.

(Approved January 24, 1834.)

CHAP. 277.—AN ACT to incorporate the Orphan Society of Lexington.

Whereas, it is represented to the Legislature that a society has been formed for the humane and charitable

Recital.

1834.

purpose of protecting, relieving, supporting, and instructing orphan children in said city, and pray to be incorporated: Therefore,

Society incorporated and style thereof.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, and it is hereby enacted by the authority of the same,* That all such persons of the female sex as now are, or may hereafter become subscribers of the Orphan Society of Lexington, in the manner hereinafter provided, be, and they are hereby incorporated into a society by the name of the Orphan Society of Lexington, and by that name shall have perpetual succession, with power to use a common seal, and change the same at pleasure, to make contracts relative to the institution, to sue and be sued, and by that name and style be capable in law of purchasing, taking, holding, using, and conveying any estate, real or personal, for the benefit of said corporation, provided the annual income of said estate shall not exceed in value ten thousand dollars, nor be applied to any other purposes than those for which said corporation is formed; and also to establish by-laws and orders for the regulation of said society, and preservation and application of the funds thereof, provided the same be not repugnant to the constitution and laws of the United States, or of this Commonwealth.

Corporate powers granted.

Who may become members of the society.

Sec. 2. *And be it further enacted,* That every female who shall subscribe and pay to the funds of the society the sum of two dollars annually, shall, by such subscription and payment, become a member of said society, liable however to be removed whenever she shall refuse or neglect to pay such annual subscription; and every female who shall subscribe and pay the sum of twenty-five dollars, or whose husband shall have paid fifty dollars, shall be considered to be a member for life.

Annual meetings to be held.

Sec. 3. *And be it further enacted,* That the Society shall meet the first Tuesday in October in every year, at which meeting twenty-five members shall be competent to transact business. At this meeting there shall be chosen twenty-four managers, in whom shall be vested the management, direction, and disposal of all the concerns of the society: and if any vacancy shall be occasioned by the death, resignation, removal, or otherwise, of any one of said managers, the same may be filled, for the remainder of the year, by such member, being an annual or life-subscriber as aforesaid, as the board of managers for the time being may

Vacation in the board of managers, how filled.

appoint: and until the election on the second Tuesday in October, 1834, the managers shall be as follows: Abby D. Sayre, 1st directress, Syne Richardson, 2nd directress, Sarah Ward, treasurer, Maria C. Gratz, secretary, Mary O. Wickliffe, Catharine Hunt, Mary Ann Peers, Julia Barry, Mary Tilford, Eliza Ross, Ann Stephens, Elizabeth Smedes, Eliza Gohegan, Eliza McCallister, Mary Ann Dewees, Sarah Norton, Amelia S. Chipley, Mary Ann Levy, Margery Bruen, Lucy D. Gatewood, Mary Freeman, Catharine Pilkington, Sidney Edmiston, Martha Merrill.

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Managers for the present year appointed.

Sec. 4. *And be it further enacted*, That the managers shall meet, on notice from the officiating secretary of the society, within three days after their election, and shall choose out of their number a first and second directress, a secretary and treasurer: that five members shall be required to transact business, that they shall make by-laws for their own government, shall make an annual report of their proceedings and of the state of their funds, and give two weeks previous notice of the meetings of the society.

Officers of the society to be chosen annually.
May enact by-laws and report annually.

Sec. 5. *And be it further enacted*, That if the annual election shall not be made on the stated day, the said corporation shall not thereby be dissolved, but the managers and officers shall continue in office until a new election, which shall be made at such time and place, and after such notice as the board of managers shall prescribe.

The managers to continue in office until their successors are elected.

Sec. 6. *Be it further enacted*, That the lot of ground and the buildings which may be thereon erected, for the use of said society, shall be free from taxation.

Real estate of the society exempted from taxation.

(Approved January 24, 1834.)

CHAP. 278.—AN ACT to authorise the erection of a new Jail in Clarke County, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of Clarke shall be, and they are hereby authorized to erect a new jail and stray pen for said county, and for the site thereof, purchase a lot or lots of ground in Winchester, not exceeding one acre, and cause the title thereof to be conveyed to the justices of said county court and their successors in office.

The county court authorised to purchase a lot and to build a new jail and stray pen.

1834.

To sell the old
ones.

Sec. 2. *Be it further enacted*, That the justices of said court shall be, and they are hereby empowered to sell the present jail house and lot, and stray pen, or either of them now in use in said county; and by a commissioner, to be appointed by an order of said court, (a majority of said justices being present and concurring therein,) convey the title thereof to the purchaser or purchasers, and the proceeds of said sale the said court shall apply to the erection of said new jail and stray pen.

[Approved January 24, 1834.]

CHAP. 279.—AN ACT allowing William McHargue, of Laurel County to erect a gate across the road leading from the Salt Works to Whitley County, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William McHargue, of Laurel county, be, and is hereby authorized to erect a gate across the road leading from the Goose creek Salt Works to Whitley county.

A gate may be
erected across
the road from
Goose creek
Salt Works to
Whitley county.
How to be con-
structed.

Sec. 2. *Be it further enacted*, That said gate shall be at least nine feet wide, and so constructed as to open and shut with convenience.

The county
court of Laurel
may have it re-
moved if found
inconvenient.

Sec. 3. *Be it further enacted*, That a majority of the county court of Laurel county shall have full power to have said gate removed whenever they conceive it to be of public inconvenience.

Gates permit-
ted to be erected
across a road in
Bath county.

Sec. 4. *Be it further enacted*, That the county court of Bath county may permit Jacob Henry to erect two gates, and James Caldwell three gates, on that part of the road leading from Sharpsburgh to Caldwell's mill, which passes through their lands: that said gates shall be at least ten feet wide, and so constructed as to open and shut with convenience, and the same shall at all times be kept in good repair by the said Henry and Caldwell.

A majority of
justices to con-
cur—and the
gates may be
discontinued.

Sec. 5. *Be it further enacted*, That no order for erecting said gates shall be made, unless a majority of all the justices in said county be present and concurring therein, provided a majority of said justices shall have power to discontinue any of the gates erected under this act whenever the public good may require it: *Provided*, That no toll shall be demanded of any person passing through the said gates.

Proviso.

[Approved January 24, 1834.]

CHAP. 280.—AN ACT to change the place of voting in Election Precincts in the Counties of Hancock and Nelson.

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Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all elections, hereafter, at the Panther creek precinct in the county of Hancock, shall be held at the place where Thomas Voiles now resides, instead of the place where Thomas Valerius lives, as heretofore directed by law, any law to the contrary notwithstanding.

The place of voting in a precinct in Hancock county changed.

Sec. 2. *And be it further enacted*, That the elections in the precinct in Nelson county, including the town of Bloomfield, shall hereafter be held at the tavern house of John Brown in said town, instead of the place heretofore prescribed by law in the said precinct.

Also, in a precinct in Nelson county.

[Approved January 24, 1834.]

CHAP. 281.—AN ACT to amend an act entitled, an act to establish a road from Louisville to the state line in a direction to Knoxville, approved January 22, 1833.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the before recited act as requires said road to be opened fifty feet wide, and so much of said act as appoints John B. Hunley one of the commissioners, be, and the same is hereby repealed.

Part of the recited act repealed.

Sec. 2. *Be it further enacted*, That Isaac Bradshaw, of the county of Adair, and Reuben Dunbar, of the county of Russell, be, and they are hereby appointed commissioners in the room of John B. Hunley and Zachariah Taylor, to view and mark out said roads, who, together with the other commissioners, or a majority of them, shall, in the discharge of their duty, be governed by the above recited act.

Commissioners appointed to view and mark the route of the road.

[Approved January 24, 1834.]

CHAP. 282.—AN ACT for the benefit of the town of Colemansville.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the limits of the town of Colemansville shall be, and the same is hereby enlarged to the following boundary, to wit: Beginning at a beech-tree, the southwest corner of S. C. Perrin, on the state road leading from Paris to Williamstown,

The bounds of Colemansville enlarged.

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thence east two hundred yards to a stone, thence a northwardly course, running parallel to include a cabin, known by the name of Battingham's Cabin, thence a westwardly course four hundred yards crossing said road, thence a southwardly course parallel with said road, opposite the beginning corner, thence eastwardly to the beginning.

The main street of said town to be extended.

Sec. 2. *Be it further enacted*, That the trustees of said town are empowered to extend Main street along the state road throughout the limits of the town, but they shall not reduce the width of said street, at any point, less than forty feet.

Five trustees for said town to be elected annually.

Sec. 3. *Be it further enacted*, That the free white males above the age of twenty-one years, residing in said town, shall, on the second Saturday in March annually, at the house of John Smith, in said town, elect five trustees, all of whom are to be residents of the town, and who are to continue in office one year, and until their successors are duly elected. The votes for trustees shall be taken by some one of the justices of the peace for Harrison county, whose duty it shall be to certify the names of the persons elected to the next county court of the county, and there recorded.

The trustees to elect a chairman.

To lay off the town into lots, streets and alleys, and have a plan thereof recorded.

Sec. 4. *Be it further enacted*, That the trustees, or a majority of them, shall have power and authority to appoint one of their body as chairman, and elect some fit person secretary, whose duty it shall be to keep, in a book provided for that purpose, a correct register of all the acts done by the board. The trustees shall have power to lay off the town in lots of suitable and convenient dimensions, with streets and alleys, such as they may deem most for the convenience of the inhabitants and the public. They may cause a survey of the town to be made by some surveyor of the county; and which, when returned to the clerk of the county court of Harrison, and there recorded, shall be evidence in all cases wherein the boundary of the town or any lot therein may be drawn in question.

To cause the streets and alleys to be opened and kept in repair.

To levy and collect taxes,

Sec. 5. *Be it further enacted*, That the trustees shall have power to cause the streets and alleys of said town to be opened and kept in repair by the titheables inhabiting said town, under such rules, regulations, and restrictions, as to them may seem proper: they shall have power to lay and collect from the inhabitants of said town, and such others as may own property therein, taxes on every description of property within the limits of the town, not exceeding two dollars on every

one hundred dollars worth of property. They may also levy and collect a poll tax, not exceeding one dollar and fifty cents on each male titheable; and to enable them to carry into effect the several provisions of this act, the trustees are empowered to appoint a collector, and make such order from time to time as to them may be deemed fit and proper.

Sec. 6. *Be it further enacted*, That the trustees shall have the same power to impose penalties on shows and showmen of every description, within the limits of said town, and on such as may race horses, play ball, or engage in any sort of gaming within said town, as by the existing law, the trustees of the town of Cynthiana may do within that town.

[Approved January 24, 1834.]

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And appoint a collector.

May impose taxes on shows and exhibitions and fines for running horses, &c. in sd town.

CHAP. 283.—AN ACT to establish the town of Stamping Ground in Scott County.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That upon the first Saturday in March next, the free white male inhabitants, living in that part of Scott county known by the name of the Stamping Ground, may meet at the house now occupied by James Scruggs, where all who are over the age of twenty-one years, and having resided therein for six months last past preceding the election, may vote for five trustees, in presence of Andrew Calvert, or some other justice of the peace for Scott county, acting as judge of the election, who shall appoint a clerk to set down the votes given by the voters; and those five citizens who shall receive the highest number of votes shall be declared elected, who shall be duly qualified to fill the office of trustees for the town of the Stamping Ground, and shall receive from the justice a certificate of their oath of office, for one year, and until others are qualified. They shall meet at the same house in said town, and appoint a clerk to hold his office for one year, and until another be duly qualified. The said clerk may be removed from office by a resolution of the board of trustees, at their pleasure, and another be appointed in his stead.

Sec. 2. *Be it further enacted*, That the clerk shall record the polls, taken at the elections, with the certificate of the electors of the trustees, with all the or-

Five trustees to be elected in March by the citizens of said town.

Election, how to be conducted and when and where held.

Trustees to appoint a clerk.

Clerk to record the polls for trustees.

1834. ders, acts, and resolutions of the board, in the book kept for that purpose.

The trustees may appoint a chairman.

To survey and lay out said town and have a plat thereof recorded.

To appoint an assessor of property.

His duty prescribed.

Annual elections for trustees to be held and how conducted.

Notice thereof to be given.

A collector of taxes to be appointed.

To give bond and security, &c.

May be sued on, &c.

Corporate powers granted.

Sec. 3. *Be it further enacted*, That the trustees shall appoint from their body a chairman, who shall preside at all meetings of the board, sign all orders and resolutions entered into by the board of trustees. They may fix the metes and bounds of said town, and have the same surveyed and plotted, laid out into streets, alleys, and cross-streets, as they may direct, which survey of the metes and bounds, together with the plots of said town, shall be recorded in the Scott county court clerk's office in Georgetown.

Sec. 4. *Be it further enacted*, That the trustees shall appoint an assessor, who shall, on or before the first day of May in every year, take a list of all the free white male inhabitants, living within the bounds of the Stamping ground, with a list of their real and personal property liable to be taxed for the state or county purposes, and return the same to the board of trustees, who shall proceed to lay and levy the taxes for the current year; provided, the same shall not exceed fifty cents on each one hundred dollars worth of property, with a poll tax of not more than one dollar and fifty cents on each white male inhabitant over twenty-one years of age.

Sec. 5. *Be it further enacted*, That in all future elections, the chairman, with one of the trustees, shall attend at a house selected for the purpose of holding the election, on the first Saturday in March, annually, when the chairman may qualify those elected; which election shall be advertised, at least ten days previous, at three of the most public places in said town, by the clerk of said board.

Sec. 6. *Be it further enacted*, That the trustees of said town shall appoint a town collector, and take bond and approved security from him, payable to the trustees of the Stamping Ground, conditioned, that he will faithfully collect and pay over all moneys, taxes, and dues, put into his hands for that purpose; which bond may be proceeded upon, either by notice or suit, before the Scott circuit court, and judgment may be rendered thereon with ten per cent damages, as in other cases. The said trustees may allow him a percentage for collection of moneys for the board of trustees.

Sec. 7. *Be it further enacted*, That the trustees may sue and be sued, plead and be impleaded, in all courts

having jurisdiction in all such cases: and a service upon the chairman of the board of trustees shall be considered good in all cases where suit may be brought against them. They shall have power to pass by-laws and ordinances not contrary to the constitution and laws of this commonwealth, and impose fines and penalties for all breaches of the by-laws of said board. They shall be allowed to tax all kinds of shows, exhibited for money, whether they be theatrical, animal, or slight-of-hand.

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May enact by-laws and impose fines for breaches thereof.
Tax shows and exhibitions.

Sec. 8. *Be it further enacted,* That all matters of controversy between the board of trustees and individuals, may be tried by a justice of the peace where the matter of controversy is under fifty dollars. They may appoint a treasurer of the board of trustees, who shall give bond and security for his faithful performance of his duty. It shall be his duty to receive and receipt for all moneys collected and paid into his hands, and keep a record of the same; which money shall be drawn from him by order of the board, signed by the clerk and countersigned by the chairman. He shall keep a record of all the money he receives, and all he pays out. He shall be liable to a suit in the Scott circuit court, from whom judgment and execution may issue against him and his securities, and collect the same according to law. They shall have power to pass laws, ordinances, rules and regulations for the general welfare. They may set apart lots for meeting-houses, school-houses, and make all rules, orders and regulations for building, preserving, and governing the same. They are also authorised to receive, by purchase or donation, a lot of ground for a burying-ground or grave-yard, either in or out of the town bounds. They shall have power and authority to build a market-house, set apart market hours, appoint a market-master, and make all rules and regulations to govern the same. They shall have power to order the sidewalks of the streets to be paved with brick or stone, and enforce the same, when a majority of the citizens on the streets shall consent and petition the board of trustees to order the paving the same; and the trustees shall have a lien upon the property till the same be paid according to the order of the board; in like manner, they may order the paving the streets in said town. They shall have power to enforce fines on all persons, who, contrary to the by-laws of said town, shall run horses, establish ball-alleys, or obstruct the streets or

Suits between them and individuals may be tried by a justice of the peace in cases not exceeding \$50.

A treasurer to be appointed—to give bond, &c.
His duties prescribed.

His bond may be sued on, &c.

Authorised to pass by-laws.

To purchase and hold real estate.

To build a market house.

To order the paving of the streets and side walks.

To impose fines for running horses, &c. or obstructing the streets.

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Trustees to be
freeholders.

Power and du-
ty of the chair-
man.

Power of the
trustees over
their officers.

The taxes, fines
&c. to be levied
and collected
for the use of
said town.

alleys in said town. The trustees shall be freeholders, and shall have resided in said town six months previous to their having been elected trustees.

Sec. 9. *Be it further enacted*, That the chairman of the board of trustees shall have power to issue his warrant against a slave or slaves for misdemeanors, which may be served by a constable, and sentence him or them to be whipped according to law. He shall have power to call meetings of the board of trustees from time to time. He may lay before the board, quarterly, the fiscal concerns of the board.

Sec. 10. *Be it further enacted*, That the board of trustees shall have power to require all her officers to meet the board in session and report their proceedings, make settlements, and do all other acts which by law they are permitted to do, under the penalty of a sum not more than twenty dollars for every offence, to be recovered before a justice of the peace for Scott county.

Sec. 11. *Be it further enacted*, That all taxes, fines, and forfeitures shall be levied and collected for the benefit and improvement of the public property, and for the general welfare of the Stamping Ground, according to the intent and meaning of the foregoing act.

[Approved January 24, 1834.]

CHAP. 284.—AN ACT to appropriate certain vacant lands to the improvement of the public roads in the Counties of Monroe, Allen, and Cumberland.

5000 acres of
land appropri-
ated to each
county to be lo-
cated in their
respective coun-
ties.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land office be, and he is hereby authorised and required to issue land warrants in the name of the county courts of the counties of Allen, Monroe, and Cumberland, without the state price therefor being paid, for five thousand acres to each county, to be located within said counties respectively, or in the territory which lies between Walker's line and the line latitude thirty six degrees thirty minutes north, in the state of Tennessee, south of and opposite the aforesaid counties.

Agents to locate
the land or sell
the warrants
may be appoint-
ed by county c.

Sec. 2. *Be it further enacted*, That the county courts for the counties aforesaid, respectively, are hereby authorised to appoint an agent or agents to locate or to sell and assign said warrants or any part of the same:

and when such sales shall be made, and the money arising therefrom collected, the said county courts respectively shall apply the same to the improvement of the public highways in said counties, in such manner as said county courts may direct—a majority of all the justices in commission in said counties respectively, being present and concurring therein.

1834.

The proceeds to be applied to the improvement of roads.

Sec. 3. *Be it further enacted*, That when any survey shall have been made on any of the warrants aforesaid, and certificates of such surveys shall be returned to the register's office, the register of the land office is hereby directed to register the same and issue patents therefor (without fee or charge) as in other cases.

The register to issue patents on the surveys made on the warrants.

Sec. 4. *Be it further enacted*, That the county courts aforesaid, respectively, in directing the application of the funds arising from the sale of said land warrants, or land, shall apply the same to such road or roads as shall be of greatest interest to the community: *Provided*, That the county court of Allen county be required to direct the application of said funds to the improvement of the stage road from Lexington to Nashville, within the limits of Allen county.

The proceeds to be applied to roads of the greatest utility.

Proviso.

Sec. 5. *Be it further enacted*, That the respective county courts aforesaid, shall be, and are hereby authorised to sell any land which they may locate in virtue of said warrants: *Provided*, however, that the said county courts shall not sell the lands appropriated by this act, at a less rate than five dollars for one hundred acres, whether paid for in money or labor.

The courts authorised to sell any lands located by virtue of said warrants.

Sec. 6. *Be it further enacted*, That each and every patent which may issue under authority of this act, and which may include any land heretofore appropriated or surveyed under authority of law, shall be absolutely and utterly void to all intents and purposes.

Restricting clause.

[Approved January 24, 1834.]

CHAP. 285.—AN ACT to establish the County of Marion.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the first day of March, 1834, all that part of Washington county contained in the following bounds, to wit: Beginning at a point half way on the road leading from Lebanon to Springfield, thence a due east course to the Mercer county line, and with the Mercer county line

Bounds of the new county.

1834.

The seat of justice established at Lebanon.

Eleven justices of the peace to be commissioned.

To meet at Lebanon and elect a clerk.

The court and justices of Washington to retain jurisdiction in all cases now instituted.

Sheriffs and officers may also make collections and execute process in the new county.

Commissioners of tax to be appointed.

to the Casey county line, and with the Casey county line to the Green county line, and with the Green county line to the Hardin county line, and with the Hardin county line to the Nelson county line, and with the Nelson county line to the Beech fork, and with the meanders thereof to the mouth of Hardin's creek, thence up said creek on the south side thereof, to the mouth of Hickory Camp run, near Cornelius Boon's, on the northeast side of said creek above Jeremiah Lancaster's, thence up said run to its head, and thence a straight line to Lloyd Ray's, leaving said Ray's residence in the county of Washington, thence on the line between Ray and Lanham, till it strikes Shepherd's line, run near Benjamin Edlins, so as to include said Edlin in the new county, thence a straight line to the beginning, shall be, and the same is hereby erected into one distinct county, to be called and known by the name of Marion; and that the seat of justice thereof be, and the same is hereby established at Lebanon.

Sec. 2. *Be it further enacted*, That the county of Marion shall be entitled to eleven justices of the peace, who, after having been commissioned, shall, on the 1st Monday of March, 1834, meet at the house of Richard Spalding, formerly owned by Daniel Jennings, in the town of Lebanon, and after taking the necessary oaths of office, and qualifying their sheriff, they shall proceed to appoint a clerk, to whose permanent appointment a majority of all the justices in commission, in and for said county, shall concur; but if such majority cannot be had in favor of any one, then the court may appoint one *pro tem.* until a majority of said court shall concur in said appointment.

Sec. 3. *Be it further enacted*, That the county and circuit courts of Washington county, and the justices of the peace thereof, shall have jurisdiction in law and equity in all cases instituted before this act takes effect.

Sec. 4. *Be it further enacted*, That it shall be lawful for the sheriff, constables, and collectors in the county of Washington to collect all moneys and execute all process as the law directs, which may be in their hands at the time this act takes effect, and account for the same according to law.

Sec. 5. *Be it further enacted*, That the county court of Marion shall appoint commissioners of tax for the year 1834, who shall be governed by the laws which may be in force on that subject.

Sec. 6. *Be it further enacted,* That Gen. James Allen, of Green county, Joel P. Williams, of Mercer county, and Joseph Abel, of Hardin county, be, and they, or a majority of them, are hereby authorised and empowered to select and purchase a suitable lot or parcel of ground in the town of Lebanon, for the erection of the public buildings, and shall make report of their purchase and the terms thereof to the county court at its succeeding session: and it shall be the duty of the said county court to make provision for the payment of the purchase money to be paid for said lot or parcel of ground, according to the terms of the purchase. And the said county court shall, as soon as may be after the purchase of such lot or parcel of ground is reported to them as aforesaid, proceed to cause a suitable court house and jail, with such other public buildings as they may think necessary or proper, to be erected thereon: and until the public buildings are erected, it shall be the duty of the county court, at the expense of their county, to select and procure some suitable house in said town in which the sessions of the county and circuit courts, in and for said county, may be held, until the court house shall be completed and prepared for that purpose.

1834.

Commissioners appointed to purchase a lot of ground for the public buildings.

The county court to make the payment therefor.

And to erect the public buildings thereon.

Courts where to be held, &c.

Sec. 7. *Be it further enacted,* That the county of Marion shall be, and the same is hereby attached to the ninth judicial district.

Attached to 9th judicial district.

[Approved January 25, 1834.]

CHAP. 286.—AN ACT supplementary to an act, entitled, an act to remove the obstructions to navigation at the falls of Green River, and for other purposes, approved February 2, 1833.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in addition to the sum heretofore appropriated by the act to remove the obstructions to navigation at the falls of Green river, and for other purposes, approved on the second of February, eighteen hundred and thirty-three, there shall be, and is hereby appropriated, the sum of fifty thousand dollars, to remove the obstructions to the free navigation of Green river, at the principal falls thereof; and that the commissioners who were appointed by the before recited act, and were qualified according to the provisions thereof, to superintend

Additional appropriation.

Duty of commissioners.

1834.

Proviso.

and conduct the work necessary to be done in the removal of said obstructions, shall proceed, with reasonable despatch, to cause the necessary dams and locks to be constructed at the falls of said river, of sufficient dimensions to facilitate the passage of boats and other craft over said falls, at low stage of water, up and down said river: *Provided*, That the said commissioners shall, if they deem it most advisable, confine the appropriations made by this, and the before recited act, to the construction of dams and locks, for slack water navigation at Vienna and Spott's falls, until the obstructions to navigation at these falls shall be removed; and the remainder of the money, if any, to be applied to the removal of other obstructions and impediments, to the navigation of said river.

Engineers to be employed.

Money to be drawn as wanted.

Tolls may be imposed.

Commissioners to enter into bond.

SEC. 2. *Be it further enacted*, That said commissioners are authorised to employ a suitable and qualified Engineer, or Engineers, to superintend said work; and the said commissioners are hereby required to report, from time to time, to the Legislature, the progress and completion of said work: *Provided*, That the said commissioners shall draw on the Treasury for such sum or sums only, as may be requisite to meet such contracts or liabilities, as they may from time to time make, for commencing and carrying on said proposed works on said river: and *Provided, also*, That the General Assembly will, hereafter, when the said locks and dams, or either of them, shall be completed, or at any other time, in its discretion, impose such tolls as it may deem reasonable and expedient, on boats and other craft navigating said river, and passing through said locks.

SEC. 3. *Be it further enacted*, That before the said commissioners shall be permitted to draw the money hereby appropriated, or any part thereof, they shall enter into bond, with security, to the Commonwealth of Kentucky, in the county court of Ohio county, in the penalty of one hundred thousand dollars, with a condition for the faithful disbursement of the money that may come to their hands, by virtue of this act; which fact being certified to the Treasurer, by the clerk of the county court of Ohio, shall authorise them to draw on the Treasurer, from time to time, for such sum or sums, not exceeding the appropriation made by this, and the before recited act, and the Treasurer is required and directed to pay the same.

SEC. 4. *Be it further enacted*, That the said commissioners, or a majority of them, or any other person or persons authorised by them, or a majority of them, may agree with the owner or owners of any land, earth, timber, gravel or stone, necessary for the construction of said locks and dams, and for the carrying on and completing said improvements, for the purchase and use of the same; and if they cannot agree, and if the owner or owners, or any of them, be a *feme covert*, under age, *non compos mentis*, or out of the county in which the property wanted may lie, or be situate, when such land and materials may be wanted, application may be made to any justice of the peace of such county, who shall thereupon issue his warrant under his hand, directed to the sheriff of the county, in which the lands or materials may lie, requiring him to summon a jury of twelve inhabitants of said county, not related, or in any wise interested, to meet on the land or near the property or materials to be valued, on a day to be named in said warrant, not less than ten, nor more than twenty days after issuing the same; and if at the time and place, any of said jurors summoned do not attend, the said sheriff shall immediately summon as many jurors as may be necessary, with the jurors in attendance, to furnish a pannel of twelve jurors in attendance, who, when selected, shall be sworn by the sheriff justly and impartially to value the damage which the owner or owners shall sustain by the use and occupation of the same, required by said commissioners; and the jury in estimating such damages, shall take into the estimate the benefits resulting to said owner or owners, from the constructing said works, on or near the property of said owner or owners, but only in extinguishment of the claim for damages; and the said jury shall reduce their inquisition to writing, and shall sign the same, and it shall then be returned by said sheriff to the clerk of his county, and by said clerk filed in his office, and shall be confirmed by said court at its next session, if no sufficient cause to the contrary be shewn; and when confirmed, shall be recorded by said clerk without fee, but if set aside, said court may direct another inquisition to be taken in the same manner as above prescribed; and such inquisition shall describe the property taken, or the land condemned, and the quantity and duration of interest in the same, valued by the commissioners;

1834.

Materials how
to be procured.

1834. and such valuation when paid or tendered to the owner or owners of said property, shall entitle the Commonwealth to the estate and interest in the same, thus valued, as fully as if it had been conveyed by the owner or owners of the same. And the valuation when tendered, if not then received, may, at any time thereafter be received from the Treasury of the Commonwealth without costs, by the said owner or owners, his, her, or their legal representative or representatives: *Provided*, That so much of the appropriations made by this, and the act to which this is an amendment, shall be, if drawn by the commissioners, replaced in the Treasury to the credit of the owner or owners, his, her, or their representative or representatives: and *Provided, also*, That if the said owner or owners shall be *feme covert*, under age, *non compos mentis*, or non-resident of this Commonwealth, such valuation shall be paid to the clerk of the county in which the land or other property or materials shall lie, or be situate, subject to the order or orders of the owner or owners, when their respective disabilities shall be removed, or application by the person or persons legally entitled thereto, shall be made to the clerk of said court.

[Approved January 27, 1834.]

CHAP. 287.—AN ACT repealing the 4th section of an act, entitled, an act to change the time of holding certain Courts in the 7th Judicial District, approved January 25, 1827.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the fourth section of an act, entitled, an act to change the time of holding certain courts in the seventh judicial district, approved the twenty-fifth of January, eighteen hundred and twenty-seven, be, and the same is hereby repealed; and that so much of any law as was repealed by the fourth section of the act aforesaid, shall be, and the same is hereby revived.

[Approved January 30, 1834.]

CHAP. 286.—AN ACT to amend the acts concerning the towns of Shepherdsville and Elizabethtown.

1834.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Shepherdsville, in Bullitt county, a majority of them concurring, shall have full power and authority, on the petition in writing of a majority of the owners of lots or parts of lots, on any street or alley in said town, requesting such street or alley to be graded and paved, or McAdamized, at the costs and expense of the owners of lots and parts of lots fronting thereon, to make an order on their records for the grading and paving, or McAdamizing such street or alley, and to contract for, and cause the same to be done; and when done, to apportion the costs and expense thereof on the owners of lots and parts of lots fronting on such street or alley, and direct the owner or owners to pay the amount, apportioned on their respective lots, and parts of lots, to the contractor; and a lien is hereby given on the lots, and parts of lots, for the amount apportioned thereon; and the amount so apportioned, shall be listed with the collector of the town taxes of said town, and collected as the other town taxes of said town, and paid over to such contractor, at such time as the said trustees shall direct; and on the failure of any person, to pay the amount so apportioned on their property, it shall be lawful for such collector to advertise the said lots, or parts of lots, for sale, for the amount so apportioned, and sell the same, or so much thereof as will pay the amount, at the Court-house door in Shepherdsville, on some court day, for cash, first giving the owner ten days notice in writing, if he reside in said town, and affixing the said notice ten days on the said Court-house door; and if the owner be a non-resident of said town, or unknown, by advertising the sale in some authorised newspaper of this state for three months; and after the sale and payment of the money, the collector shall convey such lot, or part of a lot, to the purchaser, and his deed shall be effectual to pass the title of the owner of said lot, or part of a lot; but one year is given to any infant owner to redeem his, her, or their interest, after their arrival at full age, on paying the amount, with interest, and the value of the improvements put thereon by the purchaser; and the authority hereby given, to have the streets and alleys of said town graded and paved, or McAdamized, shall

The trustees of Shepherdsville authorised to have the streets and alleys thereof graded, paved and McAdamized on a petition of a majority of the owners of lots.

And to apportion the costs among the owners and to have the same collected.

Lots may be sold to pay such expenses.

Sale to be advertised, and conveyances made by the collector.

Time of redemption allowed.

1834. be from street to street; and the petitioners shall be owners between street and street, and no less distance shall be done under this act, by any order of the trustees: *Provided*, That nothing herein contained shall be held to prevent the trustees from permitting each owner from making the improvement in front of his own property, in conformity to the plan proposed by the trustees.

Proviso.

The provisions of this act to apply to the town of Elizabeth.

SEC. 2. *Be it further enacted*, That the powers hereby vested in the trustees of Shepherdsville, shall be, and the same are vested, on like terms and conditions, in the trustees of the town of Elizabeth, in Hardin county; and the collector of Elizabethtown shall have the same powers to sell and convey in like manner, as the collector of the town of Shepherdsville.

[Approved January 30, 1834.]

CHAP. 289.—AN ACT for the benefit of Isaiah Miller.

Whereas, Abraham Miller, of the county of Hardin, made application to the Legislature to release him from the payment of two tavern licence, amounting to twenty dollars, which was done at the last session of the Legislature, and previous to that time, Isaiah Miller, deputy sheriff of said county, had paid the same into the Treasury, and held the same as a debt due him from said A. Miller; and it now appearing that the said Abraham Miller was charged on the commissioner's books of Hardin county with only one tavern license in the year 1830 and 1831, and that the said Isaiah Miller, sheriff as aforesaid, has paid only for one tavern license into the Treasury, for and on account of the said Abraham Miller: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of ten dollars be, and the same is hereby allowed to said Isaiah Miller; and the Auditor is hereby directed to issue his warrant upon the Treasury for said sum, in favor of said Miller, or his order, which the Treasurer is hereby directed to pay out of any monies in the Treasury, not otherwise appropriated.

[Approved January 30, 1834.]

CHAP. 290.—AN ACT appropriating certain lands for improving certain roads in Harlan County.

1834.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Register of the Land Office be, and is hereby required to issue a land warrant in the name of the county court of Harlan county, without the state price being paid therefor, for four thousand acres of land, to be located on any vacant and unappropriated land, lying within the county of Harlan, for the purpose of improving the following roads, viz: from Harlan Court-house, to Crank's gap, and from John Cawood's up Martin's fork by way of George Spurlock's to the mouth of Crank's creek, in a direction to the Virginia line.

4000 acres of land donated to Harlan county to improve certain roads therein.

SEC. 2. *Be it further enacted*, That upon the assignment of any plat and certificate of survey, made by virtue of any said warrants, the Register of the Land Office shall issue a patent or patents without fee, in favor of the assignee, for the lands embraced in said survey: *Provided*, said patent or patents shall be utterly void, should they conflict or interfere with any claim, survey, or grant, previously made.

The register to issue patents on the plats and certificates of survey.

Proviso.

SEC. 3. *Be it further enacted*, That George Spurlock and Lewis Farmer, of Harlan county, be, and they are hereby appointed commissioners, to sell the warrants, and appropriate the proceeds thereof to the improving of said roads; and before they enter upon the discharge of their duties as commissioners, they shall enter into bond with approved security, in the penal sum of two hundred dollars each, in the Harlan county court, which bond may be put in suit for every breach of its condition.

Commissioners appointed to sell the land warrants and appropriate the proceeds.

To give bond and security.

SEC. 3. *Be it further enacted*, That the commissioners aforesaid, shall be entitled to seventy-five cents, per day, for the time they may be necessarily engaged in the duties required by the county court aforesaid, and their services shall be compensated out of the proceeds of the aforesaid land warrant: *Provided, however*, That the said commissioners shall not sell the aforesaid land warrant or warrants for a less sum than five dollars per hundred acres, and that no survey shall be for a less quantity than fifty acres.

Compensation to the commissioners.

Proviso.

[Approved January 30, 1834.]

1834.

CHAP. 291.—AN ACT for the benefit of the estates of Robert Scott and John E. Shropshire, deceased.

Recital of the case of Robert Scott.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that Robert C. Scott, of the county of Bourbon, hath departed this life, indebted to a larger amount than the proceeds of his whole personal estate when sold and collected; and whereas, it is also represented that John E. Shropshire, of the same county, hath departed this life, indebted in a much larger sum than the whole proceeds of his personal estate, when sold and collected: Therefore,

The administrator authorised to petition the Bourbon circuit court to decree a sale of the real estate for the payment of debts.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Henry Clay, jr. and Joseph Clay, the administrators of said Robert C. Scott, deceased, are authorised to file a petition in the Bourbon circuit court, making the legal heirs of the said Robert C. Scott, defendants, and alledging the circumstances and condition of the estate, and debts of the said Scott, over the amount of the proceeds of the personal estate, and praying a sale of sixty-three acres of the land of which said Scott died possessed, situate in said county of Bourbon, and adjoining the lands lately owned by John Clay.

The court authorised to decree a sale for that purpose & to make all necessary orders preparatory or incident thereto

SEC. 2. *Be it further enacted*, That said petition shall be subject to the same proceedings that are had in like cases in chancery; and the court shall have power to appoint commissioners to value said land, and make any order deemed by said court expedient on the said administrators to settle their accounts, or to give a schedule of the debts of said Scott, and any other order deemed necessary by said court, to enable it to decide on the expediency of selling said land, for the payment of the debts of said Robert C. Scott. And if said court on the hearing of said petition, shall be of opinion that it is necessary to make sale of said land, for the payment of the debts of said decedant, it shall decree such sale, to be made by said administrators on such credit, and in such manner, as shall be directed in the decree; and shall require the said administrators to enter into bond, to the heirs of the said Robert C. Scott, in open court, to be filed in the office of said court, with good and ample security, to pay the debts of the said decedant, out of the proceeds of said land as far as they will extend, and account for the balance, if any, after paying the debts, to the said heirs or their guardian; and said admini-

Administrator to give additional bond and security.

Condition thereof.

istrators shall report their proceedings to said court, and settle their accounts of their disbursements of the proceeds of said land, whenever required by said court. Said court shall also decree such title to be made by said administrators to the purchaser of said land, and at such time as it may deem proper.

1834.

To report his proceedings & settlements to court and make a conveyance.

SEC. 3. *Be it further enacted*, That Joseph Was- son and James E. Hutchinson, administrators of John E. Shropshire, are also authorised to file a petition in the said Bourbon circuit court, in like manner, and with the same requisitions, and to be proceeded on by said court in the same manner, and with the same pow- ers; and a like decree to be rendered by said court as to the lands, and houses, and lots of the said John E. Shropshire, that are provided in the foregoing sec- tions, as to the said Robert C. Scott; and the said administrators shall particularly set forth in their pe- tition each tract of land, and the quantity therein con- tained, and the houses and lots, and where situated.

The adm'rs of J. E. Shrop- shire authorised to file their pet. for sale of real estate for pay- ment of debts and a similar decree of sale authorized.

SEC. 4. *Be it further enacted*, That
the mother of said John E. Shrop- shire, shall be made a defendant to said petition, and if it should appear that she has a right of dower in any of the lands of said Shropshire, her dower shall be laid off to her before any sale of said land shall be decreed, unless the said shall release her right of dower, and said court shall have power with the consent of said

Any dower ex- isting in the land to be laid off before a sale is made—unless a release there- of is made, in which case a decree may be entered for a portion of the purchase mo- ney in lieu of dower.

to sell the whole of said land, and decree to her such portion of the purchase money as said court shall consider right in lieu of dower.

SEC. 5. *Be it further enacted*, That before the guar- dian or guardians of the heirs of said Scott or Shrop- shire, receive any surplus which may remain after paying the debts of the decedants; such guardian or guardians shall execute bond and good security in said circuit court, payable to the Commonwealth, for the discharge of his or their duties, and payment of such moneys, to his or their wards.

The guardians to give bond & security before receiving any of the proceeds of sale.

[Approved January 30, 1834.]

CHAP. 292.—AN ACT for the benefit of Strother J. Hawkins.

Whereas, it has been represented to the General Assembly of the Commonwealth of Kentucky, that

E*

1834.

at the August term of the Christian circuit court, in the year 1830, George, a slave, the property of Strother J. Hawkins, was condemned by said court, and sentenced to be executed, for the murder of a slave, the property of George Shepherd, and that after the sentence of condemnation as aforesaid, the said slave escaped from jail, and has not since been heard of: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there be allowed to said Strother J. Hawkins, the sum of three hundred dollars, to be paid out of any unappropriated money in the Treasury of this Commonwealth; and the Auditor is hereby directed to issue his warrant upon the Treasury for the aforesaid sum, in favor of the said Strother J. Hawkins; the above being the sum assessed by said court, as the value of said slave.

[Approved January 30, 1834.]

CHAP. 293.—AN ACT appropriating a portion of the vacant lands in the district of country, west of the Tennessee River, for the purpose of Education.

Whereas, most or all the counties of this Commonwealth, except the counties west of the Tennessee river, and the county of Hancock, have had to them appropriated by acts of the General Assembly, the quantity of six thousand acres of land, each, for the endowment of certain academies and seminaries of learning, and it being but just and reasonable, that the said counties, west of the Tennessee river, and the said county of Hancock, should receive an equal and equivalent appropriation of land, to be applied by said counties: Wherefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the following quantities of vacant and unappropriated land, in the district of country west of the Tennessee river, shall be, and the same is hereby appropriated to the several counties for the endowment of seminaries of learning, viz: to the county of Calloway, six thousand acres, to the county of Hickman, six thousand acres, to the county of Graves, six thousand acres, to the county of McCracken, six thousand acres, and to the county of Hancock, six thousand acres.

Recital.

6000 acres of
land donated to
each.

Hickman,
Graves, Calloway,
McCracken and Hancock counties.

SEC. 2. *Be it further enacted,* That each of the county courts of said counties, shall, at such time as they may think proper, appoint two or more commissioners, any one of whom may act, after first being duly sworn, who shall proceed to select and locate the said lands, above appropriated; which land, when selected, shall be entered with the receiver of public money for said district, who shall give certificates therefor as in other cases, free from the payment of the state prices; upon which certificates, the Register shall issue patents to the justices of the said county courts respectively, for their respective portions of land, vesting the same in said justices and their successors in office, in trust for the use and benefit of their respective seminaries of learning; and the rents and profits arising therefrom to be applied to the use thereof; and the said commissioners shall be entitled to and receive such compensation for their services, as the said county courts in their discretion may think proper to allow, to be paid out of the county levy of the county for which they shall be appointed: *Provided, however,* That no land improved by any actual settler, in said district, shall be located or entered with the receiver, by virtue of this act.

1834.

The county courts respectively authorised to appoint commissioners to locate and enter the lands.

And patents to issue for the same.

Allowance to commissioners and how paid.

Proviso.

[Approved January 30, 1834.]

CHAP. 224.—AN ACT to establish a Bridge at Falmouth.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Samuel T. Hauser, Isaac Miller, Asberry Broadwell, John Forsythe, Simon Boston, Thomas Waggener, Jared Woodworth, Robert Taylor, William Ellis, Joseph Hitch, Augustus Robbins, Francis Chalfant, John H. Barker, Benjamin D. Beall, Richard H. Southgate and James Taylor, with their associates, be, and they are hereby created a body politic and corporate, by the name and style of the Falmouth Bridge Company, for the purpose of erecting and constructing at Falmouth, a bridge across main Licking river, between the junction thereof with the south fork and the mouth of Montjoy's spring branch; and they and their associates and successors shall continue, and have perpetual succession, and by that name and style are hereby made as capable in law as natural persons, to contract

Persons incorporated and style thereof.

General corporate powers.

1834.

May purchase
and hold real
estate, &c.

Prohibited from
banking privi-
leges.

May enact by-
laws.

Amount of cap-
ital stock.

Books for the
subscription of
stock to be o-
pened.

First general
meeting for the
election of pre-
sident and di-
rectors, &c.

and be contracted with, to sue and be sued, to plead and be impleaded in this Commonwealth, in all courts of law or equity; to make, have and use a common seal, and the same to break, alter, or amend at pleasure. And they and their successors shall have the power to purchase and hold as much real estate as will be necessary for the site of said bridge, abutments, toll houses, and suitable avenues leading to the same: *Also*, to borrow money not exceeding the capital stock mentioned in this act, but not to have or exercise the privilege of loaning money, or issuing bills, or notes upon Banking principles: *Also*, the power to ordain and establish such by-laws, ordinances and regulations, as shall be necessary for the well being and government of said corporation, not incompatible with the laws of this Commonwealth, or of the United States.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall consist of not more than fifteen thousand dollars, divided into six hundred shares of twenty-five dollars each, to be subscribed for, or sold in the manner hereinafter mentioned.

SEC. 3. *Be it further enacted*, That within six months after the passage of this act, the persons before named, or a majority of them, shall cause books for the subscription of stock of said company to be opened at such places and times as they may direct, which books shall be kept open under the direction of such persons, or a majority of them for such length of time as they may order. If, however, at the closing of the subscription, it shall be found that a greater number of shares than six hundred have been taken, then, and in that case, the persons before named, or a majority of them, shall proceed to reduce the number of shares in all equitable proportion among the subscribers, not reducing any below twenty shares.

SEC. 4. *Be it further enacted*, That when three hundred and twenty shares shall have been subscribed, the said persons or a majority of them shall advertise a meeting of the stockholders of said company at Falmouth, giving at least fifteen days notice of the time and place of such meeting; and the shareholders shall thereupon proceed to the election of a President and six Directors, who shall be shareholders, and such of the before named persons, who shall not be shareholders, shall cease to be members of said corporation, and the said shareholders shall also proceed to

fix what compensation, if any, the said President and Directors shall be entitled to receive: Also, to ordain and adopt such by-laws for the permanent organization of said corporation, as they may deem needful, at which meeting each shareholder shall be entitled to one vote for each share to the number of forty, and one vote for every five shares above forty, and not exceeding one hundred, and one vote for every ten shares above one hundred; and at all the subsequent elections, or general meetings of the stockholders, no shares shall be voted on, that have not stood in the name of the person claiming to vote at least three months previous to the day of election or meeting; and the shares in said company may be voted for by proxies duly recorded, and in conformity to the foregoing resolutions.

1834.

Mode of voting on stock.

SEC. 5. *Be it further enacted*, That the President and Directors chosen in conformity to the provisions of the foregoing section, shall hold their office for one year next succeeding such election, and until others are chosen in their places, and the stockholders shall annually meet in the town of Falmouth, the day preceding the expiration of the year for which the said President and Directors were elected, at some place to be designated by the President and Directors, and then proceed to the election of a President and six Directors, who shall be shareholders, and residents of the state of Kentucky, who shall hold their offices for one year, and until their successors shall be elected as aforesaid; public notice shall be given of such meetings or elections by the clerk or secretary of the company, at least twenty days previous thereto. At the annual meetings, a statement of the affairs of the company shall be made out by the President and Directors, and presented to said meeting, and such dividends of the profits declared as may be deemed advisable.

Annual election for president and directors to be held by the stockholders.

Notice thereof to be given.

Annual statements to be submitted, and dividends of profits to be made.

SEC. 6. *Be it further enacted*, That the concerns of said corporation shall be under the control, superintendence and management of said President and Directors; and the President and three Directors shall constitute a quorum to transact business, or in the absence of the President, any four Directors, one of whom shall act as President pro tem. with power to fill any vacancy in the board, occasioned by death, resignation or otherwise. The President and Directors after they shall have been duly elected as aforesaid, may make such assessments on the shares of

Powers of the president and directors.

To fill vacancies in the board

1834.

To make calls on the stockholders—to forfeit and sell stock, &c.

Proviso.

May appoint officers and fix their salaries.

May make contracts and take bonds, &c.

May purchase and hold a site for the abutments, &c.

The mode of constructing the bridge.

Rate of toll allowed upon the completion thereof.

said company, as are subscribed, payable at such periods as they may deem advisable, with such conditions of forfeiture for non-compliance, not exceeding the amount of stock delinquent, as they may deem proper. They are to open or renew the subscription for shares not already subscribed, or sell them, and also any forfeited shares as they may think best for the company: *Provided, however,* That no stock shall be sold by them for less than par value thereof.

Sec. 7. *Be it further enacted,* That it shall be the duty of the President and Directors to appoint a clerk, and cause a record of their proceedings to be kept; they may also appoint a Treasurer, and other officers or agents, as they may deem needful for the promotion of said undertaking, and to allow them such pay, or compensation as they may agree on; to make contracts and do all things necessary to carry the aforesaid object into immediate effect and execution; and to require and take such bonds or other surety, in their corporate capacity, from any person or persons, they may so appoint or contract with; and any vacancy filled up by the board of Directors, shall continue until the next annual election, by the election of other shareholders.

Sec. 8. *Be it further enacted,* That the President and Directors shall have the right to purchase or receive the conveyance or conveyances of a site for said bridge, or site for the abutments and arch thereof; and if they shall deem it advantageous to the company, one half acre or a less quantity of land at each end of the bridge, over and above what is authorised to be purchased by the foregoing provisions of this act.

Sec. 9. *Be it further enacted,* That the said permanent bridge shall be erected, so as to permit the passage of boats, rafts of timber, and wood of the largest size and height, at the highest stages of water in the river, and shall have over said river or at such part thereof as may be designated or pointed out, by five commissioners appointed by the Pendleton circuit court, one single arch on the Wernwag principle, extending from bank to bank, and with at least one hundred and eighty feet between the abutments. And when so erected and completed, the President and Directors shall have a right to fix rates of toll for passing over said bridge, and to collect the same from all and every person or persons passing thereon with their goods, carriages, or animals of every kind or

description: *Provided, however,* That the nett profits arising from the toll, shall not exceed fifteen per centum, per annum, after the proper deductions are made for repairs and other charges; and the rates of toll shall be posted up in some conspicuous place, where the toll is demanded.

1834.

Proviso.

SEC. 10. *Be it further enacted,* That if any person or persons shall willfully or knowingly do any act or thing whatever, whereby the said bridge or any thing thereto belonging, shall be injured or damaged, the said person or persons so offending, shall forfeit and pay three times the amount of damages sustained, with costs of suit, recoverable before any court of competent jurisdiction. And any person or persons who shall pass or attempt to pass said bridge without paying the toll or tendering it, if there be any person or persons present to receive it, shall forfeit and pay three times the amount of the toll or tolls, which he, she or they were liable to pay for passing said bridge, recoverable before any justice of the peace in this Commonwealth. And if any person or persons shall wilfully set fire to said bridge, or burn the same, or any part thereof, such offenders, with their aiders and abettors, shall be guilty of arson.

Penalty for injuring or damaging said bridge

or for passing without paying toll:

or for burning the bridge.

SEC. 11. *Be it further enacted,* That the certificates of stock in said company shall issue in such form and manner, and be transferable as may be designated by the by-laws of said company.

Certificates of stock to be issued and may be transferred.

SEC. 12. *Be it further enacted,* That this act shall cease to have effect, if stock shall not be taken to the extent of three hundred and twenty shares, within three years from the first day of January next, and the bridge be completed so far as to be passable within five years from that period.

This act void if the stock is not taken in three years, and the bridge completed in 5 years.

SEC. 13. *Be it further enacted,* That the said company shall be held liable and responsible, by any appropriate action, for all injuries sustained by vessels and boats, rafts of plank, timber or other lumber passing down said river, in consequence of the construction of said bridge, unless said injuries are sustained by negligence or want of competent skill of those, or any of those on board, navigating said vessels, boats, rafts or timber: *Provided, however,* That it shall be lawful for said bridge company, at their own expense and charge, to employ and furnish pilots for directing boats, rafts of plank, timber, or other lumber through the bridge; and if any person naviga-

Company to be responsible for any damage sustained in navigating the river in consequence of the erection of the bridge, &c.

Proviso.

1834.

Further proviso

Process against
the company—
on whom to be
served.The company
to remove all
drift or timber
from the abut-
ments.Penalty for
failure and how
recovered.Reservation of
power by the
Legislature.The county
court of Pendle-
ton authorised
to subscribe for
stock.And levy taxes
to pay therefor.

ting a boat, raft of plank, timber, or other lumber, shall fail to take, or refuse the aid of a pilot furnished by the company, then such boat, raft of plank, timber, or other lumber, shall be considered as passing the bridge at the risk of the owner or navigator: *And provided further*, If such owner or navigator apply to the toll-gatherer for such pilot, and a pilot be not forthwith furnished by the company, then and in that case, such boat, raft of plank, timber, or other lumber, shall be considered, as passing the bridge at the risk of the company, and the company shall be liable for all injuries sustained on account of the want of competent skill in the navigator.

SEC. 14. *Be it further enacted*, That it shall be sufficient service of process on the corporation hereby created, to execute a summons on the President or Secretary of said company, and process so executed, shall authorise judgment at the first term as in other cases, if no appearance shall be entered, or plea filed.

SEC. 15. *Be it further enacted*, That it shall be the constant duty of said company from time to time, to remove all drift or timber of any description, which may lodge against any of the abutments of said bridge; and if they fail herein, they shall be liable to a fine of ten dollars, for every forty-eight hours it is suffered to remain; after allowing reasonable time for the removal of the same, to be recoverable by indictment or presentment in the Pendleton circuit court; and shall moreover be liable for any injury sustained by any person in consequence thereof.

SEC. 16. *Be it further enacted*, That the Legislature reserves the right to amend this charter, so as to secure the navigation of main Licking, free from any injury.

SEC. 17. *Be it further enacted*, That the county court of Pendleton, is hereby authorised and empowered (a majority of all the justices in commission concurring and sanctioning the same) to subscribe for, and on behalf of the county, such number of shares as it in its discretion may deem proper, and shall, in case of actual subscription, pay the same out of any county levy, and be entitled to all the rights and privileges of other stockholders; authorising and directing the clerk of said court, by order entered of record, to act for them and on their behalf. And they are hereby authorised at their annual court of claims, to levy such tax as they may deem sufficient to dis-

charge and pay the stock so subscribed, as the same may be required by said company. 1834.

[Approved January 30, 1834.]

CHAP. 295.—AN ACT to build a Bridge across Jillico River in Whitley County.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land office be required to issue a land warrant for five thousand acres of land, to be located on any vacant and unappropriated land in the county of Whitley, and not elsewhere, in the name of the Whitley county court, for the purpose of building a bridge across Jillico river, at or near the place where the road leading from Williamsburg in Whitley county to Monticello in Wayne county, crosses said river: and that the register of the land office, upon plat and certificate of survey made by virtue of said warrant, shall issue a patent or patents, without fee, to the person or persons entitled thereto: *Provided*, however, that such patent shall be utterly void if it should conflict with any previous survey, claim, or grant of land.

5000 acres of land granted to Whitley county to build a bridge across Jillico river.

Register to issue patents on surveys to be made under sd. warrants. Proviso.

Sec. 2. *Be it further enacted*, That the said county court shall appoint such person or persons as they may think proper, to sell said warrant at a price not less than five dollars per hundred acres, and apply the same to the building of said bridge.

The Whitley county court to appoint com'rs to sell said warrants,

Sec. 3. *Be it further enacted*, That said commissioners, before they enter upon the duties assigned them by this act, they shall enter into bond in the clerk's office of the county court aforesaid, taken to the Commonwealth of Kentucky, with a penalty to be fixed by said court, and conditioned for the faithful discharge of their duties.

Commissioners to give bond & security.

Sec. 4. *Be it further enacted*, That the commissioners be allowed seventy-five cents for each day's service.

Commissioners pay.

(Approved January 30, 1834.)

CHAP. 296.—AN ACT to improve certain public roads in the County of Lewis.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the

1834.

\$350 worth of land warrants authorised to be issued for the benefit of Lewis county upon the commissioners (named) executing bond with security.

Commissioners may sell the warrants.

Proceeds to be applied to the improvement of the state road.

The Register to issue patents on the surveys when made and returned.

The county court of Lewis may remove the commissioners and appoint others.

\$150 worth of land warrants appropriated to improve another road in said county.

The commissioners to give bond and security for its proper application, &c.

land office be, and he is hereby directed, whenever James Hannah, John McDaniel, and Pleasant M. Savage, of Lewis county, shall have executed in the county court of Lewis county, bond with approved security to the commonwealth of Kentucky, in a penalty to be fixed by said court, conditioned for a faithful discharge of their duty as commissioners under this act, to issue, free of charge, in the name of said commissioners, three hundred and fifty dollars worth of land warrants, of fifty acres each, which may be located on any vacant lands in the said county of Lewis.

Sec. 2. *Be it further enacted*, That said James Hannah, John McDaniel, and Pleasant M. Savage, may, and they are hereby authorised to sell said warrants either for money or labor, and apply the proceeds to the improvement of the state road from the north fork of Licking by Clarksburg and Vanceburg to the Greenup county line, in such way and manner as they may think best calculated to promote the public interest.

Sec. 3. *Be it further enacted*, That it shall be the duty of the register of the land office, upon the production of plats of surveys made in the name of said commissioners, or any two of them, their assignee, or assignees, to receive and register the same, free of charge, and issue patents accordingly; and if said commissioners, or any one of them, shall refuse to qualify or fail to discharge the duties required by this act, it shall be the duty of the county court to appoint a suitable person or persons to fill their place or places, who, when qualified, shall have as full power and authority as the aforesaid commissioner or commissioners.

Sec. 4. *Be it further enacted*, That the register of the land office be, and he is hereby directed to issue, free of charge, one hundred and fifty dollars worth of land warrants, of fifty acres each, to be located on any vacant lands in Lewis county, for the improvement of the road from where it intersects the state road near Barton Lee's, to the town of Concord on the Ohio river; and that Joseph Cox and Samuel Stevenson, having executed bond, as is provided in the first section, be, and they are hereby appointed commissioners to superintend the improvement of said road, and shall have full power to receive said appropriation in land warrants and dispose of the same, and apply the proceeds to the improvement of said road, and with a like power in the said county court to fill vacancies or remove said commissioners, as is provided in the third section.

Sec. 5. *Be it further enacted*, That in case said commissioners, or any one of them, shall receive any money, and not expend and account for the same when required by said court, the bond executed by him may be put in suit, and in addition to the amount so found due and unaccounted for, thirty per cent. damages thereon shall be adjudged to be paid, together with cost.

1834.

The bonds may be sued on for a breach thereof, and a recovery had with damages.

Sec. 6. *Be it further enacted*, That the said commissioners shall not sell the said warrants, or land, whether paid for in money or labor, at a less price than five dollars for one hundred acres.

Warrants not to be sold for less than \$5 pr. 100 acres.

Sec. 7. *Be it further enacted*, That each and every patent which may issue under authority of this act, and which may include any land heretofore appropriated or surveyed by authority of law, shall be absolutely void to all intents and purposes.

The patents authorised not to interfere with any former entry, survey or patent.

(Approved January 30, 1834.)

CHAP. 297.—AN ACT for the benefit of the Heirs and Devisees of John Smith, deceased.

Whereas, it is represented to the General Assembly, that John Smith, of the county of Harrison, hath departed this life, and that his personal estate is not sufficient to pay his debts: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Samuel Love, the administrator of said John Smith, with the will annexed, is authorised to file a petition in the Harrison circuit court, making the legal heirs and devisees of said John Smith defendants thereto, and alleging the circumstances and condition of the estate, and amount of debts as near as he can, over the amount of personal assets, and praying the sale of the real estate of said John Smith for the purpose of paying his debts; and shall also file a copy of the will of said John Smith.

The administrator authorised to file a petition for a sale of the real estate for the payment of debts.

Sec. 2. *Be it further enacted*, That said petition shall be subject to the same proceedings that are had in like cases in chancery; and the said court shall have power to appoint commissioners to value said real estate, and make any order, deemed expedient by said court, on the said administrator to settle his accounts, or give a schedule of the debts of said decedant, or any other order deemed necessary by said court, to en-

And the circuit court of Harrison may order and decree a sale thereof for that purpose.

1834.

Commissioner
to give bond,
&c.

Condition
thereof.

To make report
to court of his
proceedings.

A conveyance
to be made.

The guardians
of the heirs or
devisees to give
bond for the
surplus of sale
after paying the
debts.

able it to decide on the expediency of selling said real estate; and if said court, on hearing said petition, shall be of opinion that it is necessary to make sale of the said real estate of said John Smith, or any part thereof, for the payment of the debts of the said John Smith, it shall decree such sale to be made by the said administrator, on such credit, and in such manner, as shall be directed in said decree: and said court shall require said administrator to enter into bond to the commonwealth, in open court, to be filed in the office of said court, with good and ample security, conditioned to pay the debts of the decedant, out of the proceeds of said real estate, as far as they will extend; and account for and pay over to the heirs of the said John Smith, or their guardian, the balance, if any, after payment of the debts. And said administrator shall report his proceedings to said court, and settle the account of his disbursement of the proceeds of said sale whenever required. Said court shall also direct such title to be made to the purchasers of said estate, and at such time as shall be deemed best.

Sec. 3. *Be it further enacted*, That before the guardian or guardians of the heirs or devisees of said John Smith shall receive any surplus, which may remain after paying the debts of said Smith, such guardian or guardians shall execute bond and good security in said circuit court, payable to the commonwealth, for the discharge of his or their duties, and payment of such moneys to his or their wards.

(Approved January 30, 1834.)

CHAP. 298.—AN ACT to authorise the Secretary of State to purchase two hundred copies of Luke Munsell's improved Map of Kentucky, and for other purposes.

Secretary of
state to sub-
scribe for the
maps.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the secretary of state be, and he is hereby authorised to contract with, and purchase of Luke Munsell two hundred copies of his improved map of Kentucky.

Maps how dis-
tributed.

Sec. 2: *Be it further enacted*, That when the said maps shall have been purchased and delivered to the secretary, he shall distribute them in the following manner:—One for the government house; one for the senate chamber; one for the house of representatives'

chamber; one to each of the public offices in Frankfort; one to each county clerk's office; two to Transylvania University; two to Centre College; two to St. Joseph's College; two to Augusta College; two to Cumberland College; two to the Southern College of Kentucky; two to Georgetown College, and one to each city corporation; and the residue, if any, be kept by the secretary, subject to future legislation. 1834.

Sec. 3. *Be it further enacted*, That the secretary of state, in purchasing said maps, shall not be authorised to give more than six dollars a piece for each of said maps, the one half of which the said secretary is authorised, upon the delivery of the whole of the said maps to him, to issue his warrant upon the auditor therefor; and twelve months thereafter he is also authorised to issue his warrant upon the auditor for the other half. Price to be given.

Sec. 4. *Be it further enacted*, That it shall be the duty of the secretary to distribute the said maps as directed by this act, with the acts and journals of the General Assembly: *Provided*, the said map, when completed, shall be approved by the governor, secretary of state, and attorney general, and a certificate of approbation filed with the auditor. When distributed. Proviso.

(Approved February 1, 1834.)

CHAP. 299.—AN ACT to amend an act making an appropriation to aid in the repair of the Sandy Road, and to authorise a Turnpike Gate thereon, approved January 15, 1831.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of ten thousands dollars be appropriated to the improvement of the aforesaid road, by putting the same in good repair for horses, wagons, and carriages, by the erection of bridges and causeways, and digging down the hill sides where said road goes on sideling ground, so that the water shall run on the upper side. Appropriation.

Sec. 2. *Be it further enacted*, That John M. Rice, of Bath county, Henry Powers, of Fleming county, and George W. Ward, of Greenup county, be, and they are hereby appointed commissioners to superintend and conduct the work necessary to be done in repairing said road; and they, or any two, shall have power to employ a sufficient number of laborers, and to make all contracts, and to do all other things necessary for carrying on and completing said work. Commissioners appointed.

1834.

Com'rs to give
bond.

Sec. 3. *Be it further enacted,* That before the said commissioners enter upon their duties under this act, they shall meet in the town of Flemingsburg on the day on which the county court for the county of Fleming is held in the month of May, and shall give bond and approved security before said court, in the penalty of twenty thousand dollars, with a condition that they will faithfully disburse all the moneys that may come into their hands for the improvement and repairs of said road, which bond shall be given to the commonwealth of Kentucky and shall be filed in the office of said county court, and shall be at any time put in suit for any violation of the conditions thereof; and the said commissioners, before they enter on the discharge of their duties, shall take an oath before some justice of the peace, that they and each of them will well and truly perform the duties imposed on them by this act.

Vacancies in
the board of
commissioners
how filled.

Sec. 4. *Be it further enacted,* That if any of the commissioners herein named shall fail or refuse to act, or fail to attend on the day appointed for the execution of the bond by this act required to be given, and join in said bond, the appointment of such commissioner shall be vacated; and it shall be the duty of the governor, upon the fact being certified to him by the other commissioners, to fill such vacancy, and such newly appointed commissioner shall execute bond as required by this act; and the said commissioners shall keep a book or books in which shall be recorded the proceedings of said commissioners; and the said book shall be subject to the inspection of the General Assembly, when it shall be required: and the said commissioners shall report, annually, to the General Assembly, the progress of said work, and the manner in which the money hereby appropriated has been expended.

Com'rs to keep
a record of their
proceedings &
report to the
legislature.

Com'rs to draw
on treasurer.

Sec 5. *Be it further enacted,* That the said commissioners, or a majority of them, when they shall have commenced said work, are hereby authorised to draw on the treasurer, from time to time, for such sum or sums as may be necessary to keep said works regularly in progress; and the treasurer is hereby authorised and directed to pay the same to the order of said commissioners, or a majority of them: *Provided,* the whole amount drawn shall not exceed ten thousand dollars.

Location of the
road may be
changed.

Sec. 6. *Be it further enacted,* That the commissioners shall have power to make such alterations in the location of said road as in their opinion will improve

the same, upon condition that they first obtain permission from the owners of the land or their agent.

1834

Sec. 7. *Be it further enacted*, That as soon as the said repairs, provided for by this act, shall be made, the commissioners shall proceed to select the most eligible sites on said road between Slate creek and the mouth of Big-Sandy, for the erection of two additional turnpike gates, and appoint keepers therefor; which gates and keepers shall be under the same rules and regulations, and receive the same tolls as the one now erected on said road, and the tolls appropriated as heretofore to the improvement of said road.

Two additional turnpike gates may be erected.

Sec. 8. *Be it further enacted*, That the power heretofore given, by the act to which this is an amendment, to the county courts of the counties through which said road passes, is hereby repealed, and the same power is hereby vested in said commissioners and such others as the General Assembly shall from time to time appoint; and each of said commissioners shall be allowed the sum of seventy-five cents for his services each day that he shall be actually engaged in said service, to be retained out of the said ten thousand dollars.

Powers heretofore given to the county courts vested in the commissioners.

Com'rs pay.

Sec. 9. *Be it further enacted*, That the aforesaid sum shall be expended on that part of said road between Slate creek and the mouth of Big-Sandy.

On what part of said road the money is to be expended.

(Approved February 1, 1834.)

CHAP. 300.—AN ACT allowing George James Trotter a change of venue.

Whereas, George James Trotter stands indicted in the Jefferson circuit court for shooting, with intent to kill, and it appearing that he cannot have an impartial trial in said circuit: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for George James Trotter to appear in the Jefferson circuit court, on the first day of the next term thereof, and make his election to be tried in the Spencer circuit court, which election shall be noted on the record: and thereupon it shall be the duty of the Jefferson circuit court to recognize the said George James Trotter with good security, to appear on the first day of the next ensuing term of the Spencer circuit court, and answer to the indictment aforesaid, and not depart

Venue changed to Spencer circuit court from Jefferson.

Recognition to be taken.

1834.

thence without the leave of said court; and upon the indictment aforesaid, and the proceedings had thereon, being certified to the Spencer circuit court, as herein-after provided, the said Spencer circuit court shall take cognizance of the said indictment, and of every thing incident or pertaining thereto, in the same manner as though the offence of which the said Trotter is indicted had been committed in the county of Spencer; and shall, in case he be found guilty, enter judgment, and cause execution thereof, or grant a new trial, agreeably to the law and justice of the case, as though the said indictment had originated in Spencer county; and the sheriff, jailor, and clerk of Spencer shall in like manner perform all necessary duties pertaining to their respective offices in relation to said indictment: and the judge of the Jefferson circuit court shall, at the time the said Trotter shall make his election to be tried in the Spencer circuit court, recognise the witnesses on the part of the commonwealth to appear at the next ensuing term of the Spencer circuit court: and the last mentioned court shall proceed upon all recognizances in the same manner as though the same had been taken in the said court, and in case the indictment shall be found defective, and shall be quashed, or the judgment be arrested, the said Trotter shall not for that cause be discharged; but a special grand jury shall be summoned, if the regular grand jury shall have been discharged, and a new indictment found, if the evidence will warrant the finding of such an indictment; and the defendant shall be arraigned and tried thereon, in the same manner, and be subject to the same judgment and execution as though the offence had been committed in the county of Spencer. *Provided, however,* That nothing herein shall be construed to require any proceeding on the part of the judge that would not be required of him in case the offence charged had been committed, or charged to have been committed, in the said county of Spencer.

Witnesses to be
recognized.

If indictment be
quashed, &c. a
new one may
be found.

Proviso.

Clerk of Jefferson
circuit court
to forward the
papers.

Sec. 2. *Be it further enacted,* That it shall be the duty of the clerk of the circuit court of the county of Jefferson, to make out full and complete copies of all the orders made in his court in said prosecution, and shall forward the same, together with all writs, bonds, recognizances, indictments, or other papers filed therein, by the sheriff of his county, to the clerk of the circuit court of the county of Spencer, taking his receipt for the same; which duty shall be performed by the

said sheriff with all possible dispatch; and he shall be allowed six cents per mile in going to and returning from said Spencer county, to be paid out of the public treasury, on certificate of the clerk of the circuit court of the said county of Jefferson that said services have been performed.

1834.

Sheriff's pay.

Sec. 3. *Be it further enacted*, That if either the clerk or sheriff of Jefferson circuit court shall fail to comply with all or any part of the duties enjoined upon them by this act, each of them shall be subject to a fine of one hundred dollars, recoverable by reasonable notice and rule of court to that effect, with proper time, in the Jefferson circuit court, in favor of the commonwealth; which fine or fines, sum or sums, shall be applied as other fines are now directed by law, of a like nature.

Penalty on the clerk or sheriff for failing to do their duty.

Sec. 4. *Be it further enacted*, That the clerk of the Spencer circuit court shall be, and he is hereby authorised to issue a *venire facias*, subpoenas, and all other necessary process, as though the prosecution had commenced in his own county.

The clerk of Spencer to issue process, &c

Sec. 5. *Be it further enacted*, That the witnesses attending the Spencer circuit court, in consequence of this change of venue, by recognizance, or subpoena, shall be allowed the same per day, and for travelling, as other witnesses going out of the county by legal process.

Witnesses pay

Sec. 6. *Be it further enacted*, That any number of continuances, granted at the instance of the commonwealth by the judge of the said Spencer circuit court, on account of the non-attendance of the witnesses, or for any other cause, shall not operate to the discharge or acquittal of the said Trotter.

Continuances not to operate as an acquittal.

(Approved February 3, 1834.)

CHAP. 301.—AN ACT to extend the Boundaries and Jurisdiction of the Town of Paducah.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that by an act, entitled, an act to establish the town of Floydsburg, Brownsborough, and Paducah, and for other purposes, approved January 11, 1830, it was intended that the said town of Paducah should be bounded by the Ohio river on the north side thereof, and that the jurisdic-

Recital;

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tion of the trustees of said town should extend to low water mark along said Ohio river in front of said town: and whereas, doubts have arisen whether the jurisdiction of said trustees extends to the low water mark on the Ohio river in front of said town: For remedy whereof,

The boundary of said town & the jurisdiction of the trustees extended to low water mark of the Ohio river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the boundary of the said town of Paducah be, and the same is hereby extended to low water mark along the Ohio river in front of said town, and that the jurisdiction of the trustees of said town shall be co-extensive with the boundaries of said town.

(Approved February 4, 1834.)

CHAP. 302.—AN ACT to repeal an act, approved January 14, 1833, entitled, an act to authorise the Trustees of the Newport Seminary to sell their donation lands, and for other purposes.

The act of 1833 repealed:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an act, entitled, an act to authorise the trustees of the Newport Seminary to sell their donation lands, and for other purposes, approved January 14, 1833, be, and the same is hereby repealed.

The fines and forfeitures accruing in Campbell county appropriated to the poor house of said county.

Sec. 2. *Be it further enacted,* That the fines and forfeitures hereafter accruing in the county of Campbell shall be appropriated to the use and benefit of the poor-house of said county, and for the purpose of supporting and maintaining the poor of said county; and it shall be the duty of the sheriffs, constables and justices of the peace, and all other officers of said county, who may collect or receive any of the fines or forfeitures hereafter accruing in said county, to pay over the same to the keeper or superintendant of said poor-house: and it shall also be the duty of the sheriffs, justices of the peace, constables, and other officers of said county severally, to make out and return under oath, to the county court of Campbell, at the May and November terms of said court in each year, a list of fines by them and each of them received, and from whom, and the same pay over to the said keeper or superintendant of the poor-house of said county: and in default thereof, it shall be the duty of the county attorney to proceed against such delinquent sheriffs, constables, justices of

The duty of officers of said county in relation thereto.

the peace, and other officers, and their respective securities, by motion in the county court of Campbell, in the name of the keeper or superintendant of said poor-house for the time being: and the court may thereupon render judgment against said delinquent officer and his securities, for such sum as may appear to have been received and not paid over, with costs and ten per cent damages, and award execution therefor.

Sec. 3. *Be it further enacted*, That it shall be the duty of the Campbell county court, at the November term of each year, and from time to time as the same may be necessary, to appoint a suitable person as keeper or superintendant of the poor-house of said county, who shall enter into a bond, in the penalty of \$1000, payable to the justices of said court, and their successors, conditioned for the faithful performance of the duties of keeper or superintendant of the poor-house of Campbell county, and that he will well and truly appropriate, pay over, and account for, according to the order of said court, all such sum or sums of money as he may receive as such keeper or superintendant; and that he will, when required by said court, render a true and correct account of the receipts and disbursements of all sums of money which may have come to his hands as such keeper and superintendant.

(Approved February 4, 1834.)

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The collection of fines, &c. how to be enforced & made.

A keeper of the poorhouse to be appointed.

To give bond and security.

Conditions thereof.

CHAP. 303.—AN ACT to change the place of voting in one of the Precincts in Cumberland County.

Whereas, it is represented to the present General Assembly, that the location of the election precinct established by the Legislature at their last session, at the Springs, at Zimmerman's old farm in Cumberland county, is inconvenient to the citizens voting at the said precinct, for the want of a house or houses to hold the election in. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the place of voting in said election precinct shall hereafter be at the house of James Smith, in the town of Paoli, and that the elections shall in all respects be governed by the laws of this commonwealth regulating elections.

(Approved February 22, 1834.)

LAWS OF KENTUCKY.

1834. CHAP. 304.—AN ACT providing for the appointment of an additional Constable in the County of Adair.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the county court of Adair, to lay off, in addition to the districts now allowed by law, for that county, one other district, to include the neighborhood of Crocus creek salt works, in which a constable shall be appointed.
(Approved February 5, 1834.)

CHAP. 305.—AN ACT for the benefit of Jacob Spaw and his children.

Their names
changed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Jacob Spaw, of Casey county, be, and he is hereby permitted to take and assume the name of Jacob Smith; and that his children, William, Jacob, Martha Ann, and Nancy Ann Spaw, be also changed to that of Smith, and that they be hereafter called and known by the name of Smith; and

Preamble.

Whereas, Jacob Smith, the father of the said Jacob Spaw has petitioned that the illegitimacy of the birth of the said Spaw should be so far removed as to enable him to heir the estate of the said Smith: Therefore,

Jacob spaw
may inherit the
estate of his
father.

Sec. 2. *Be it further enacted,* That the illegality of the birth of the said Spaw shall be no bar to his heirng the estate of the said Smith, in the same manner as if he had been born in lawful wedlock.

(Approved February 5, 1834.)

CHAP. 306.—AN ACT amendatory to an act, approved January 22, 1833, to authorise the Bourbon county court to levy a tax on the lands of the county.

Houses and lots
in Paris to be
taxed as other
real property in
the county.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the above recited act as exempts the houses and lots in the town of Paris from taxation, be, and the same is hereby repealed.

Sec. 2. *Be it further enacted,* That the houses and lots in the said town of Paris be hereafter equally subject to the tax imposed by said act with the other real property of the county.

(Approved February 5, 1834.)

CHAP. 307.—AN ACT to amend the charter of the bank of Louisville.

1834.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the twenty-fourth section of the charter of the bank of Louisville shall be so amended, that not more than eight of the present directors shall be eligible as directors in said bank at the next election; and thereafter not more than eight of the directors of said bank shall be eligible for re-election.

Not more than eight directors eligible to be reelected.

(Approved February 5, 1834.)

CHAP. 308.—AN ACT granting certain powers to Lincoln, Casey, and Adair county courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county courts of Lincoln, Casey, and Adair counties, shall have the same power and authority to change the location of the state road, from Danville in the direction to Murfreesborough in the state of Tennessee, in their respective counties, which they possess to change the other public roads in their counties; and they shall in all respects be governed by the laws now in force in relation to changing public roads.

May change the state road.

(Approved February 5, 1834.)

CHAP. 309.—AN ACT declaring Goose creek navigable from Col. Garrard's salt well to the mouth of Otter creek.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That that part of Goose creek, from Col. Daniel Garrard's salt well up to the mouth of Otter creek, be, and the same is hereby declared navigable; and that, for any obstructions in the navigation thereof, the same fines, penalties, and forfeitures, are imposed, which are imposed by law for the obstruction of other navigable streams.

[Approved February 5, 1834.]

CHAP. 310.—AN ACT to alter the time of holding certain Courts.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the circuit court for

1834.

Butler.

the county of Butler shall hereafter commence on the last Mondays in March, June, and September, and may sit six days at each term if the business require it.

Process, &c.
when returnable.

Sec. 2. *Be it further enacted*, That all process which may have issued from said circuit court, in the first section of this act, mentioned, shall be returnable to the terms of said court, as directed by this act to be holden; and all appearances and recognizances, which may have been entered into in said court, shall be to the terms as herein directed to be held.

Warren.

Sec. 3. *Be it further enacted*, That the circuit court for the county of Warren, at its spring terms, shall hereafter commence on the first Monday in March, in each year, instead of the fourth Monday in February, and may continue twelve juridical days at each term, if the business shall require it: and that the county court of Warren shall be held hereafter on the fourth Monday of February, instead of the fourth Monday in March.

Process, &c.
when returnable.

Sec. 4. *Be it further enacted*, That all process which may have issued from either of the said courts, in the preceding section of this act, mentioned, shall be returnable to the terms of the said courts, respectively, as directed by the aforesaid section to be holden; and all appearances, recognizances, and other process, which may have been entered into or issued in either of said courts, shall be applicable to the terms as directed to be holden in the above section.

Hart.

Sec. 5. *Be it further enacted*, That from and after the first day of March next, the February term of the Hart circuit court shall commence on the first Monday in February, and continue twelve juridical days, if the business of said court shall require it.

[Approved February 5, 1834.]

CHAP. 311.—AN ACT for the benefit of Sophia Griggs.

Divorced from
her husband.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Sophia Griggs and William P. Griggs, be dissolved, so far as relates to the said Sophia, and she is hereby restored to all the rights and privileges of an unmarried woman.

[Approved February 5, 1834.]

CHAP. 312.—AN ACT further to regulate the town of Eddyville.

1834.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Eddyville shall hereafter be permitted to levy annually a tax on the real and personal estate of the citizens thereof, and on the real estate of non-residents, not exceeding one hundred dollars, and may appoint an assessor and collector, who shall have power to distress for the amount assessed, and sell lots in case of non-payment in six months after assessment: but the collector shall advertise the sale at two of the most public places in said town, and in some authorised newspaper in this state, at least twenty days before the sale, and the owner shall have two years to redeem the same in, by paying the purchase money, with twenty-five per cent. So much of any lot or lots only shall be sold as may be sufficient to satisfy the tax and costs.

Trustees may levy and have collected a town tax.

Sec. 2. *And be it further enacted*, That the trustees aforesaid may, if it shall appear to them to be to the interest of the citizens of said town generally, to sell and convey twenty-one feet off of Water street: beginning on the south side of said street where the first street below Main street crosses Water street, and terminating where Franklin street crosses the same, reducing the width of said Water street, between the points specified, to forty-five feet instead of sixty-six feet.

May sell a part of a street.

[Approved February 5, 1834.]

CHAP. 313.—AN ACT to establish a road from Harrodsburg to Taylorsville.

Whereas, it is represented to the present General Assembly, that a much better and nearer way can be had for a road from Harrodsburg to Taylorsville, than the one at present used: Therefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Redman G. Thomas, of Nelson county, John Morgan, of Anderson county, Vincent Morgan, of Washington county, William Sharp, of Mercer county, and Mark E. Huston, of Spencer county, be, and they are hereby appointed commissioners, to view and mark the nearest and best way for a road from Harrodsburg, in Mercer county, to Taylorsville, in Spencer county; and said commis-

Viewers appointed.

1834.

Their duties.

Surveyors to be appointed and hands allotted.

Fine on hands for failing to attend and work.

Damages to owners of land to be assessed and paid.

Viewers' pay.

Repealing clause.

sioners, or a majority of them, shall, upon oath, make their return of said view to the county courts of said counties; and upon which return, it shall be the duty of the county courts of said counties to make an order for clearing out said road forty feet wide, clear of timber in all practicable places; and said courts shall appoint a surveyor or surveyors in their counties, respectively, and allot him or them a sufficient number of hands to clear the same out and keep it in repair, from time to time, according to law, and the boundaries from whence drawn; copies of which orders shall be delivered to each surveyor appointed, within fifteen days after making the same, by the sheriffs of said counties.

Sec. 2. *Be it further enacted*, That each and every person who shall fail or refuse (without a lawful excuse) to do his duty in clearing out said road, after being duly notified, shall be subject to a fine of one dollar and twenty-five cents for each day he may so fail or refuse, recoverable as other road fines are.

Sec. 3. *Be it further enacted*, That if any person, through whose land the said road shall be viewed, shall object to the opening the same, the sheriff of the county in which the land may lie, shall be directed by the county court to proceed in the manner pointed out in the general law for condemning the land for public roads, to ascertain the damages that may arise from opening said road, which, together with the sheriff's fees, shall be paid out of the next county levy of the county in which said land may lie.

Sec. 4. *Be it further enacted*, That each commissioner shall receive one dollar and fifty cents, out of the next county levy of the county in which he may reside, for each day he may be necessarily employed in the aforesaid viewing, by his returning a certified account of the time aforesaid to the court of claims: *Provided, however*, That the compensation allowed the commissioner of Anderson county shall be levied equally upon the aforesaid counties, except the county of Anderson.

Sec. 5. *Be it further enacted*, That the act passed on the twenty-second day of January, eighteen hundred and thirty-three, entitled, "an act to authorise the establishment of a road from Harrodsburg to the Lexington road from Bardstown, and for other purposes," shall be, and the same is hereby repealed, except the third section thereof, which shall remain in full force: *Provided*, That where any road has heretofore been es-

tablished in said route, the commissioners may establish the proposed road thereon, as far as they may think it advisable.

1834.

Sec. 6. *Be it further enacted*, That after said road shall have been established and opened, it shall not be changed or altered by the order of either of the county courts of said counties without the consent of the others; and when any person shall desire to change said road, he shall apply to the county courts of Mercer, Washington, Nelson, Anderson, and Spencer, who shall be authorised to appoint each, one commissioner, whose duty it shall be to go upon and view the said road and the way proposed, and report the facts and their opinion in writing, upon oath, to the respective county courts; who, after hearing the same according to the provisions of the existing laws, may, if in their opinion it shall be deemed proper, order the proposed change; but no alteration shall be made in said road unless the county court of each county shall concur therein.

Road how changed when established.

(Approved February 5, 1834.)

CHAP. 314.—AN ACT to amend the law in relation to the erection of a Bridge across Rockcastle River.

Whereas, it is represented to the present General Assembly, that Jarvis Jackson contracted with the commissioners, appointed for that purpose, to build a bridge across the Rockcastle river, where the state road from the Crab Orchard to the Cumberland gap crosses the same; and whereas, also, it is represented that the said Jackson has, in execution of his contract performed great labour, and expended much money, but has been unable from causes not within his control to complete the bridge within the time stipulated: Wherefore,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the further time of twelve months from the passage of this act, be allowed the said Jackson to fulfil his contract, in the building the bridge aforesaid: *Provided*, That the said Jackson obtains from each of his living securities, and the personal representatives of such as may be dead, a writing signed by them, certifying their assent to this indulgence, and willingness to remain bound for a fulfilment of the contract aforesaid, and

Further time given to complete the bridge.

Proviso.

1834. lodge the same with the commissioners, or some one of them, within thirty days after the passage of this act,

Undertaker not to be sued in that time.

Bridge may be received when completed.

Undertaker to be liable on his contract.

SEC. 2. *Be it further enacted*, That in case the said Jackson procures and lodges the certificate aforesaid with the commissioners or any one of them, within the time aforesaid, it shall be the duty of the commissioners to suspend any proceedings on the bond executed by the said Jackson and his securities, until the expiration of the time herein allowed for fulfilling the contract; and if within that time, said Jackson shall have performed his contract in building the bridge, the commissioners shall receive the same in discharge and satisfaction of his contract; but if the bridge be not built within that time, or when built, if it be not in all respects in conformity to the stipulations contained in his contract, the said Jackson and his security or securities, and the representatives of such of his securities as may be dead, shall, in all respects be, and remain bound under the original contract, as though this act had not passed.

[Approved February 5, 1834.]

CHAP. 315.—AN ACT to amend an act, entitled, an act to add a part of the land of Richard Forest to the town of Lebanon, approved November 15, 1831, and for other purposes.

Trustees to sell lots.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Lebanon, in the county of Washington, and state of Kentucky, be, and they are hereby authorised to sell and dispose of that part of the ground belonging to Richard Forest, which was heretofore attached by law, to the town of Lebanon, in the county of Washington, and state of Kentucky; and that the said ground before sold and disposed of, by the said trustees, shall be laid off in lots, or parcels, by the said Richard Forest.

Money to be paid to Forest.

SEC. 2. *Be it further enacted*, That the proceeds of the sale of the lots aforesaid, shall be paid over to the said Forest or his assigns, by the Trustees, whenever the same is received by them.

(Approved February 5, 1834.)

CHAP. 316.—AN ACT to amend an act, entitled, an act for incorporating the Hartford Bridge Company, approved December 5, 1823.

1834.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in lieu of the commissioners appointed in the above recited act, that Dr. Benjamin Smith, Isaac Morton, Robert Moseby, Gen. Robert Barnett, Edward Ward, Peter Shown, Sen. Peter Shown, Jr. and William Rowan, gentlemen, or any three of whom, to act as commissioners, to open a book or books of subscription in the town of Hartford, on the first Monday in May next, or as soon thereafter as is convenient, and to receive subscriptions in the following manner, viz:

**New commis-
sioners appoint-
ed to obtain
subscriptions
for stock in said
company.**

We, whose names are hereunto subscribed, do promise to pay the President, Managers and company of the Hartford Bridge company, the sum of ten dollars for every share of stock in said company, set opposite to our respective names, in such manner and proportion, and at such times as shall be prescribed by the said President and managers: Witness our hands and seal this day of 18

Form of the subscription.

SEC. 2. *Be it further enacted,* That whenever the number of two hundred and fifty shares is subscribed on the part of private individuals, or bodies corporate, the Governor is authorised and directed to subscribe a like number of shares of stock in said corporation, on behalf of the Commonwealth. And whenever the President and Managers of the corporation, shall certify to the Governor, that any amount has been paid on behalf of the individual stockholders, (or bodies corporate) the Auditor is directed to draw upon the Treasurer, in favor of the said President and Managers, for the like amount, to be paid on behalf of the Commonwealth from time to time, out of any money in the Treasury, not otherwise appropriated, until the whole amount of the state's subscription shall be paid.

The Governor
to subscribe for
200 shares of
stock whenever
a like amount
is subscribed by
individuals and
payments
thereof.

SEC. 3. *Be it further enacted,* That the Commonwealth shall have the right to vote at all elections for President and Managers, and to give the number of votes, according to the amount of stock held, the said right to be exercised in the same manner, as is done in the Turnpike corporations, in which the Commonwealth holds an interest.

Stock of the
Common-
wealth to be
voted on at all
elections as in-
dividual stock.

SEC. 4. *Be it further enacted*, That the said President and Managers, after the completion of said bridge, shall declare and pay over to the Treasurer of

1834.

Six per cent per annum dividends to be declared to the Commonwealth.

the Commonwealth, annually, a dividend not less than six per centum, per annum, upon the stock held by the said Commonwealth: *Provided, however,* That the dividends arising from the stock of the State, from the first three years after the completion of the bridge, shall be applied by the President and Managers aforesaid, to the improvement of that part of the state road leading from Owenborough to Bowlinggreen, which lies in Ohio county. And the said President and Managers shall declare and pay semi-annually, the dividends to which the private stock are entitled, after paying all the necessary expenses and repairs.

Mode of constructing the abutments and pillars.

SEC. 5. *Be it further enacted,* That the abutments and pillars shall be of stone, and at least one hundred feet apart, and the bridge shall be of sufficient height to admit of the free passage of boats, at all stages of the water.

Repealing clause.

SEC. 6. *Be it further enacted,* That such parts of the act, of which this is an amendment, as are provided for, or altered by this act, be, and the same is hereby repealed: *Provided,* That unless the stock proposed to be taken by individuals in this company, be taken in three years from the passage of this act, this act, and all former acts upon this subject shall be inoperative and void.

Proviso.

(Approved February 7, 1834.)

CHAP. 317.—AN ACT to incorporate the Bowlinggreen Female Academy.

Academy incorporated and style thereof.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Asher W. Graham, Thomas Quigley, Henry Grider, James Maxcy, Henry Shanks, Joseph R. Underwood, John Marshall, M. W. Henry and James R. Skiles, and their successors in office, shall be, and are hereby constituted a body corporate, to be known and designated by the name and style of "The Trustees of the Bowlinggreen Female Academy."

May sue and be sued.

SEC. 2. The corporation by the name aforesaid, may sue and be sued, defend and be defended, in all courts in this Commonwealth, or elsewhere.

May purchase, hold and sell real estate.

SEC. 3. The corporation shall have power to acquire and hold by purchase or devise, all such lands, tenements and hereditaments, money and property, as

the trustees thereof may from time to time think proper to purchase, or such as may be given, or devised, or bequeathed to the said corporation; and the same and all real and personal property owned by them, to dispose of by bargain and sale, or by any other mode of alienation, at pleasure.

1834.

SEC. 4. All the estate, property, money and funds belonging to the corporation, shall be appropriated by the trustees thereof, exclusively for the use and benefit of the teachers and female scholars or pupils, who may be instructed from time to time in the Academy, to the exclusion of male scholars or pupils; that is, the estate, property, money and funds of the corporation shall be used in such manner as the trustees may think fit, in paying such salaries to teachers and superintendants, in the different departments of the Academy, whether their duties be literary or otherwise, as the trustees may stipulate or allow, and in the support, either partial or total, of such indigent female scholars, as the trustees may consider objects of charity, and who may be admitted free of charge; and in the construction of such building, whether houses for teachers, recitation rooms, refectories, dormitories and their appendages, as may be needful for the comfort and accomodation of the teachers, pupils, and all others who may be employed in aiding the objects of the institution, and in supplying the Academy with apparatus, and a library, according to the provision of the fifth section.

The funds of the institution to be applied to the use thereof in paying teachers, &c.

SEC. 5. It shall be lawful for the trustees, out of the estate, property, money and funds of the corporation, to purchase for the use of the Academy, a complete philosophical apparatus, and all such instruments and tools, globes, maps and charts, as may be necessary or useful, in communicating or facilitating instruction in any science or art, and likewise a library.

To purchase a Philosophical Apparatus, &c.

SEC. 6. A majority of the trustees remaining in office, shall fill all vacancies which may happen by the death, resignation or removal of any trustee. Removal from the county of Warren, shall be a forfeiture of office as trustee. Refusal or failure to attend the meetings of the board of trustees, when notified by the President to do so, for one year, shall forfeit the office of the delinquent, and a majority of the trustees remaining in office, may proceed to fill the vacancy. The site of the Academy shall be within the limits of the town of Bowlinggreen.

Vacancies how filled—site of the Academy.

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Five members
to constitute a
quorum.

Contracts may
be made with-
out seal, &c.

Treasurer and
Secretary to be
appointed.

Officers, when
and where to be
elected.

SEC. 7. The concurrence of any five of the trustees shall be sufficient to transact any business of the corporation. Five may therefore constitute a board.

SEC. 8. It shall not be necessary for the said corporation to procure a common seal. All its corporate acts shall be manifested and made known by the signature and name of the President of the board of trustees of the Bowlinggreen Female Academy affixed to the document, contract or writing executed; or by some entry, minute or memorandum made on the records of the proceedings of the corporation. And all contracts, deeds, writings and conveyances, made and entered into, in the name of the corporation, and signed by the President in his official capacity, in manner aforesaid, shall be as good and effectual in law, for the purposes designed by them, as if the corporation had a common seal, and the same was affixed in due form to the said contract, deed, writing or conveyance.

SEC. 9. The trustees of the corporation shall keep a regular record of their proceedings, which shall be signed on each adjournment, by their President. The trustees shall have power to appoint a Treasurer and Secretary, and to make all needful rules, regulations and by-laws for the government of the Academy, its teachers, superintendents, pupils and servants, which may be compatible with the laws and constitution of this state.

SEC. 10. The persons herein named as trustees, shall meet at such time and place in Bowlinggreen, as they, or a majority of them may designate, in the month of March or April next, and proceed to organize their board, by the election of a President, the appointment of other officers, and the adoption of such by-laws, as they may deem proper. They may then provide for future meetings of the board as they think proper.

SEC. 11. And whereas, it is represented to the General Assembly, that the members of the Presbyterian Church in Bowlinggreen, and the citizens of said town, have united in building a house, the basement story of which is designed for the use of the Female Academy hereby incorporated, and the upper part designed for the use of the Church: Therefore—*Be it further enacted, by the authority aforesaid, That it shall be lawful for the corporation hereby created, in connection with the elders, trustees or officers of the*

said Presbyterian Church, to receive the title to the ground on which the said building is now partially erected, and to have the rights and privileges of said Church and Academy specified and enumerated in the deed of conveyance, according to the articles of subscription and association entered into upon the subject, which, being done, the said specification and enumeration of rights and privileges shall stand as a perpetual memorial in favor of the members of said Church and Academy, and shall be considered as obligatory on the said corporation, and binding it in all time to come, to allow the said Church and its members the free use and enjoyment of the property, according to their rights so specified. And whereas, according to the articles of subscription and association, the trustees of the Academy are not to use the lot and buildings designed for the use of both the Church and Academy, in certain ways therein mentioned, so as to create an annoyance to the Church: Therefore—*Be it further enacted*, That it shall be lawful in the deed of conveyance executed, vesting the title in the corporation, and the elders, trustees or officers of the aforesaid Church, to insert each and every restriction mentioned in the articles of association, and the same shall be obligatory on the party intended to be restricted and limited thereby, and shall be observed as a perpetual covenant, and as such may be enforced by the appropriate remedy, upon the violating the same: *Provided*, That nothing herein contained, shall be construed to favor the opinion that the Bowlinggreen Female Academy is a sectarian institution; or that the aforesaid Church or Academy, are otherwise than entirely distinct institutions.

1834.

May contract with the Presbyterian church in Bowlinggreen in relation to a part of said church.

Provided,

(Approved February 7, 1834.)

CHAP. 318.—AN ACT to improve the State road from Liberty, in Casey county, to Columbia, in Adair County, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Register of the Land Office be instructed to issue to Benjamin Dawson, of the county of Casey, a land warrant containing two thousand acres; and to Edmund Miller, of the county of Adair, two thousand acres, free of charge, for the improvement of the state road, from the coun-

4000 acres of land appropriated for that purpose.

1834.

Warrants
where to be lo-
cated.

Commissioners
appointed to
appropriate the
funds and su-
perintend the
improvements.
May sell or
transfer the
warrants.

Commissioners
to give bond &
security.

To make re-
ports to their re-
spective county
courts.

Allowance to
commissioners.

Register to is-
sue patents.

500 acres of
land donated to
Casey county
for improving
the roads there-
in.

5000 acres to
Russell county
to improve a
road in that city.

ty seat in Adair, to the county seat in Casey, the war-
rants to be located on any vacant and unappropriated
land, lying within the counties of Casey and Adair;
that part of the road lying within the limits of Casey,
to be superintended by the aforesaid Benjamin Daw-
son, and that part lying in Adair, to be superintended
by Edmund Miller. And they shall have the right to
sell the warrants, or any part thereof, and transfer
the same to any person they may be able to sell to,
and the proceeds of the same, to be by themselves or
some one in their employ, laid out in the most practi-
cable manner, in improving the aforesaid road.

SEC. 2. *Be it further enacted*, That the aforesaid
Dawson and Miller, before entering on the duties of
their office, enter into bond, in their respective county
courts, truly and faithfully to discharge the duties en-
joined on them by this act; and they shall, when re-
quired by said county courts, report as to the manner
in which they may have appropriated the proceeds of
said warrants, and upon faithfully discharging their
duties, the courts shall allow them, each seventy-five
cents per day, they may have been necessarily em-
ployed in superintending the improving of said road,
out of the proceeds of said warrants.

SEC. 3. *Be it further enacted*, That upon the assign-
ment of any platt and certificate of survey, made by
virtue of the above warrant, being returned to the
Land Office, the Register shall issue a patent to the
assignee, without fee therefore.

SEC. 4. *Be it further enacted*, That the Register of
the Land Office, be, and he is hereby required to is-
sue a land warrant, in the name of the county court
of Casey, without the state price being paid therefor,
for five thousand acres of land, to be located on any
vacant and unappropriated land, lying within the
county of Casey, for the purpose of the improvement
of the roads in said county, under the direction of the
said county court of Casey.

SEC. 5. *Be it further enacted*, That the Register of
the Land Office, be, and he is hereby required to issue
a land warrant in the name of the county court of Rus-
sell, without the state price being paid therefor, for
five thousand acres of land, to be located on any va-
cant land, unappropriated, within the county of Rus-
sell, for the purpose of opening and improving the
state road from Louisville to Knoxville, within the
boundaries of Russell county.

SEC. 6. *Be it also enacted,* That the Register of the Land Office, be, and he is hereby required to issue a land warrant, in the name of the county court of Adair, without the state price being paid therefor, for six thousand acres of land, to be located on any vacant and unappropriated land, lying within the said county of Adair, for the purpose of improving the roads in said county, under the control and direction of said county court of Adair.

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6000 acres to Adair for improving the public roads therein.

SEC. 7. *Be it further enacted,* That upon the assignment of any platt and certificate of survey, made by virtue of any of said land warrants, the Register of the Land Office shall issue a patent or patents, without fee, in favor of the assignee, for the land contained in said survey.

Register to issue patents on the surveys made in pursuance of this act.

SEC. 8. *Be it further enacted,* That the Register of the Land Office, is hereby directed to issue a land warrant, in the name of the county court of Lincoln, for five thousand acres of land, which may be located on any vacant lands in said county.

5000 acres granted to Lincoln county.

SEC. 9. *Be it further enacted,* That it shall be lawful for said county court of Lincoln, to appoint one or more commissioners, to superintend the location of said lands, and transfer any part, or all of said warrant, or any survey made by virtue of said warrant, or part of said warrant. And the Register of the Land Office, shall receive, register and issue patents on the same, without fee, and the proceeds or money arising from the sale of said lands, shall be appropriated to the improvement of the Knob, where the roading leading from Standford to Somerset, crosses said Knob, known by the name of Hall's gap. And said commissioner or commissioners, shall enter into bond with approved security, to be approved of by said court, for the faithful performance of their duty.

The county court to appoint an agent to locate or sell the warrants.

Proceeds how to be applied.

Commissioners to give bond, &c

SEC. 9. *Be it further enacted,* That neither of the said county courts, or said commissioners, shall sell or otherwise dispose of, for either money or labor, the land or warrants appropriated by this act, at a less price than at the rate of five dollars, for one hundred acres; and that each, and every patent which may issue by authority of this act, and which may include any land heretofore appropriated or surveyed, under the authority of law, shall be absolutely void, to all intents and purposes.

Warrants not to be sold for less than the state price or located on lands appropriated heretofore.

[Approved February 7, 1834.]

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CHAP. 319.—AN ACT to amend an act, concerning headright certificates.

Further time given the owners of certificates to return them to the clerk's offices:

Duty of the clerks in relation thereto:

No forfeiture to accrue for having failed to return them according to the act of 1833.

Receipts for partial payments on those certificates to be filed with the clerks and the balances due ascertained, &c.
Balances how to be applied:

An act of 1831 continued in force until January 1835:

An act of 1826 continued in force until July 1836:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the owners of headright certificates, within any of the counties of this Commonwealth, shall have the further time of twelve months, from and after the passage of this act, to file in the office of the clerk of the county court of the county in which he or they may reside, said certificates; and the clerks shall perform the same acts, duties and services in relation thereto, as are required of them, by an act of this Commonwealth, approved January 31, 1833, in relation to certificates filed on or before the first of November, eighteen hundred and thirty-three.

SEC. 2. *Be it further enacted*, That nothing contained in the aforesaid act of 1833, shall be so construed as to create the forfeiture of any claim or claims, or interest of any description, which any person or persons may have to any lands, by virtue of headright certificates, by having failed to file his claim on their certificate or certificates, in the office of the clerk of the county in which he resides, on or before the first day of November, 1833, as required by the act aforesaid.

SEC. 3. *Be it further enacted*, That any owner of headright certificates, who has filed the same in the Register's Office, but not paid the whole amount thereon, it shall be legal for him or them, to file the receipts which he or they may have received, for payments made on such certificates, in the office of the clerk of the county court, as required in relation to headright certificates; and the clerk shall ascertain the balance due or unpaid upon said certificate, which shall be applied in the same way that balances are directed to be applied, which are ascertained to be due, or owing upon any certificates filed with clerks, &c.

SEC. 4. *Be it further enacted*, That an act, entitled, an act to reduce the price of headright lands, on the south side of Green river, and for other purposes, approved December 13, 1831, be, and the same is hereby continued in force, until the first day of January, 1835.

SEC. 5. *Be it further enacted*, That an act, entitled, "an act for the benefit of the headright and Tellico settlers, and for other purposes," approved December

28, 1826, be, and the same is hereby continued in force, 1834.
until the first day of January, 1836.

SEC. 6. *Be it further enacted*, That unless said certificates are filed as aforesaid, by the time aforesaid, the same shall be, and the land claimed by virtue thereof, is hereby declared to be forfeited to the Commonwealth, and subject to be taken by Treasury warrants, as other vacant lands.

The claimant to the lands forfeited unless the certificate was filed within the time prescribed:

[Approved February 7, 1834.]

CHAP. 320.—AN ACT to allow two additional justices of the peace for Muhlenburg, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be appointed, and commissioned, two additional justices of the peace, for Muhlenburg county.

Two additional justices allowed to Muhlenburg county,

SEC. 2. *Be it further enacted*, That there shall be three additional constables appointed, in the aforesaid county.

And three constables.

SEC. 3. *Be it further enacted*, That the county court of Bath, shall lay off an additional constable's district in said county, so as to include Spencer Boyd, Esq. and appoint an additional constable therein.

An additional constable in Bath.

[Approved February 7, 1834.]

CHAP. 321.—AN ACT allowing the County of Christian an additional justice of the peace, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there be allowed to the county of Christian, one additional justice of the peace, to be chosen and commissioned according to the laws now in force: *Also*, one additional justice of the peace, for the county of Ohio: *Also*, one additional justice of the peace, for the county of Knox.

An additional justice allowed to Christian, and Ohio, and Knox counties.

[Approved February 7, 1834.]

CHAP. 322.—AN ACT to alter the time of holding the Hickman and Graves Circuit Courts, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Hickman Cir-

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The Graves circuit court to be held on second Mondays of April, July, and October.

Process, &c. made returnable to the days fixed by this act.

cuit court hereafter, shall only continue six juridical days, if the business of the court should require it.

SEC. 2. *Be it further enacted*, That hereafter the circuit court, for the county of Graves, shall commence on the second Mondays of April, July and October, and shall continue six juridical days, if the business of said court shall require it.

SEC. 3. *Be it further enacted*, That all process which has been made returnable to the Graves circuit court, on the first Thursday succeeding the second Monday in April, shall be returnable to said court, on the second Monday in said month.

[Approved February 7, 1834.]

CHAP. 323.—AN ACT to establish an Election precinct in the town of Ghent, in Gallatin County, and for other purposes.

Bounds of the election precinct in Gallatin county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of Gallatin county, within the following bounds, viz: beginning at the mouth of four mile creek, on the Ohio river, thence a south east course, on a straight line, some three or four miles, to the Boon road, at the house of Samuel Montgomery, so as to include said Montgomery, thence a south-east course, a straight line, to Eagle creek, one mile and a half below N. Sanders' new water mill on said creek, thence with the meanders of said creek, up the said creek to the water mill, known by the name of G. W. Sanders' old mill, on said creek, thence a north-west course, to the Boon road, by the way of James H. Hawkins, so as to strike said road, one mile and a half above the forks of Lick creek, thence with the road leading from the mouth of Agnices branch, to the forks of Lick creek, a north-west course to the Ohio river, at the mouth of said branch, thence down the Ohio river, to the beginning, be an election precinct in the county of Gallatin; and the elections shall be held at the house of Frank Bledsoe, in the town of Ghent, known by the tavern house in said town, until it shall be changed by law.

Place of voting therein.

SEC. 2. *Be it further enacted*, That the qualified voters in said precinct, are hereby authorised to meet at the places of elections, therein, respectively, at all elections, and give their votes: *Provided, however*, That nothing herein contained, shall prevent any qualified

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voter, residing within the bounds of said precinct, from voting at his Court house, in the same manner he might have done, had not this act passed, subject to all the penalties heretofore enacted, against voting twice at elections.

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SEC. 3. *Be it further enacted,* That the county court of said county, at the time they appoint judges and clerks to attend the general elections, shall appoint judges and clerks to attend the election in said precinct; said judges and clerks so appointed, shall possess the same power and receive the same compensation, as other judges and clerks of elections; and the sheriff shall, by himself or deputy, attend said precinct, at all elections; and the sheriffs, judges and clerks, shall, in all respects, be governed by the same rules, regulations and restrictions, as judges, clerks and sheriffs, are directed in similar cases.

Judges and clerks to be appointed to conduct the elections therein.

SEC. 4. *Be it further enacted,* That an election precinct be, and the same is hereby established, at the place of William Holbrook's, at the mouth of Keaton's fork of Blain, in Lawrence county; and an election precinct be, and the same is hereby established, at the place of Henry Harvie, in said county of Lawrence; and that the qualified voters in said county, be at liberty to vote at any election, authorised by law, at either of said places; and that all elections holden at either of said places herein appointed, be in all respects regulated by the laws, regulating elections in this Commonwealth.

Two election precincts established in Lawrence county.

Places of voting, and mode of conducting elections, &c.

(Approved February 7, 1834.)

CHAP. 324.—AN ACT to repeal the law concerning roads so far as it relates to Bracken County, approved January 29, 1830.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the law concerning public roads, approved January 29, 1830, and all acts amendatory to the same, so far as they relate to Bracken county, be, and the same is hereby repealed.

The road law of 1830 repealed as relates to Bracken.

[Approved February 7, 1834.]

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CHAP. 325.—AN ACT to authorise the insertion of advertisements in the Record of the Times.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall, and may be lawful to publish in the newspaper, about to be published in Princeton, called the "Record of the Times," all orders, advertisements and publications required by law, except such as are particularly required by law, to be published in the paper of the public printer; and all publications made in said paper, shall be as effectual, as if made in any other newspaper in this Commonwealth; and it shall be lawful for the Editor, or proprietor of said paper, to charge the like fees, and make such certificates as are authorised to be charged and made by law.

[Approved February 7, 1834.]

CHAP. 326.—AN ACT for the benefit of the Grand Lodge of Kentucky.

Recital.

Whereas, it is represented that D. G. Cowan, J. H. Crane, Barnet Metcalfe, Isaac Thom and E. Tyler, Jr. were appointed managers, and authorised to raise by way of Lottery, a sum of money not exceeding thirty thousand dollars, to be appropriated in erecting and finishing a Grand Masonic Hall, for the benefit of the Grand Lodge of Kentucky; and that the said Crane, Thom and Tyler, have departed this life, and the said Metcalfe has for a number of years resided in the state of Alabama, and the objects contemplated, are only in part attained: Therefore,

New managers appointed in lieu of those appointed under recited act,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Abraham Jonas, Garrett Davis, Richard Apperson, Willis Stewart and Philip Swigert, be, and they are hereby appointed managers, in lieu of those heretofore appointed; and the said Grand Lodge, shall from time to time, fill any vacancy which may occur in said board of managers, by death, resignation, or refusal to act; which said board of managers shall possess the said powers, and be liable to the same duties and penalties that were vested in, and imposed from time to time upon the former managers, heretofore appointed.

And invested with the same powers.

[Approved February 7, 1834.]

CHAP. 327.—AN ACT to establish an election precinct in Shelby County.

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be, and is hereby established in the county of Shelby, at the store of James Guthrie and company, an election precinct.

Election precinct established in Shelby county, at Jas. Guthrie & Co's store.

SEC. 2. *Be it further enacted*, That it shall be the duty of the county court of Shelby county, to appoint officers to conduct and superintend all elections to be at said precinct; who shall be governed by the several acts of Assembly of this Commonwealth, regulating elections: *Provided, however*, That nothing in this act shall be so construed, as to prevent any qualified voter of said county, from voting at the Court house of said county.

The county court to appoint officers to conduct the same.

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[Approved February 7, 1834.]

CHAP. 328.—AN ACT to establish the Shelbyville Library Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Bradshaw, Thomas P. Wilson, George W. Dashiell, George W. Johnson, Charles M. Way, James M. Bullock, James C. Sprigg, Horace B. Oliver, and the rest of the subscribers, who have or may hereafter subscribe to the Shelbyville library company, shall be a body politic and corporate, to have continuance for the term of twenty years, by the name and style of "the Shelbyville library company;" and by that name shall have power to sue and be sued, plead and be impleaded, in any court, or before any judge or justice of the peace in this Commonwealth, in all manner of suits, actions or complaints, in as full and effectual a manner, as any person or persons, corporations, or bodies politic, may or can do; and that they may make, have and use, a common seal, and the same to break or alter at pleasure.

Names of persons incorporated.

Style of incorporation, and continuance of their charter.

Corporate powers conferred.

SEC. 2. *Be it further enacted*, That all sums of money, books, goods or chattels in possession of, or that are now due by subscription, contract or otherwise, or may hereafter be subscribed for the use of said company, are hereby vested in said corporation; and that they may receive any gift, grant or bequest of money, books, goods or chattels, which may be made

All moneys, books, &c. heretofore subscribed, vested in said corporation.

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May receive
donations, &c.

by any person or persons, capable of making said gift or grants; all which sums of money, goods and chattles to be laid out in books, maps and charts, &c. for the benefit of said corporation, agreeably to the intention of the donors.

Officers of the
corporation to
be annually
elected.

SEC. 3. *Be it further enacted*, That the shareholders of the Shelbyville library company, shall meet at their library room, in the town of Shelbyville, on the first Monday in March next, and on the first Monday in March every year thereafter, for the purpose of choosing seven directors from among their number, a librarian and treasurer, who shall continue in office one year, and until their successors shall have been duly appointed.

Directors to
choose a presi-
dent.

SEC. 4. *Be it further enacted*, That the directors so elected, shall choose from among themselves, one as president, who shall not vote only in cases of a tie, and then shall give the casting vote; four of the directors shall be a sufficient number to do business, and may appoint a president pro tem. when the president is absent, and shall at all times possess all the powers vested in them by this act; and such by-laws as are made in pursuance thereof. They shall have power to fill all vacancies which may happen, either in their own body, or in any other office of the association. But all officers thus appointed, shall hold their offices only until the next general meeting of the shareholders. They shall also have power to choose a secretary and treasurer, and to call a general meeting of the shareholders, whenever they may deem it necessary.

Powers confer-
red on the di-
rectors.

The articles of
association and
by-laws, here-
tofore made,
considered as
binding until
repealed.

SEC. 5. The articles of association and by-laws made before this act of incorporation, shall be considered as valid and binding on the members thereof, until the same shall be repealed or altered by the directors, a majority of whom shall have power to make, alter or amend such by-laws and regulations as may from time to time be thought conducive to the interest of said association: *Provided*, Such by-laws shall not contravene the original articles of association, nor be contrary to the laws of this commonwealth.

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Fifteen share-
holders consid-
ered a quorum
to transact busi-
ness in general
meetings.

SEC. 6. At every general meeting, fifteen shareholders, either in person or by proxy, shall be sufficient to constitute a quorum to proceed to an election, or any other business they may think proper.

SEC. 7. The directors in the name of the "Shelbyville Library Company," shall have full power to recover all sums of money now due, under the articles

of subscription to said library, or which may hereafter become due to said corporation, as debts of the like amount are now by law recoverable.

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SEC. 8. The amount of subscription for each share in said company, shall be ten dollars, and there shall not be more than one hundred and fifty shares subscribed for, unless a majority of the shareholders, at a general meeting, shall otherwise direct. The shares shall be transferable in such manner and under such rules and regulations as the directors may think proper to prescribe.

Number of shares, and the price.

May be transferred.

SEC. 9. No forfeitures shall be greater than the amount of share or shares held by any delinquent, except that the loss or damage of any book or set of books shall be estimated, and recovered agreeably to the by-laws which may from time to time be adopted.

Forfeitures not to exceed the amount of shares held, &c.

SEC. 10. *Be it further enacted*, That the shareholders in voting shall be allowed one vote for every share they may hold to the number of five, and for every five shares thereafter, one vote: *Provided*, No person shall be entitled to vote, who is in arrear to the institution, either by fine, forfeiture, or contribution.

Each share entitled to one vote.

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[Approved February 7, 1834.]

CHAP. 329.—AN ACT for the benefit of Samuel Payne, and the Heirs and Representatives of John Pattie, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Samuel Payne and the heirs and legal representatives of John Pattie, deceased, be, and they are hereby forever released from the payment of a judgment in favor of the Commonwealth of Kentucky, against the said Payne and John Pattie, as securities for John F. Clark, entered in the Frankfort circuit court, at the July term, in the year 1826; and the auditor of public accounts is directed to enter said judgment satisfied, according to the receipt of the attorney-general for the commonwealth of Kentucky: which is endorsed on the execution issued on said judgment, bearing date the twenty-eighth day of April, 1827.

Released from the claim of the commonwealth for a debt due the penitentiary.

[Approved February 7, 1834.]

1834. CHAP. 330.—AN ACT for the benefit of John A. and Charles A. Bailey.

Recital.

Whereas, it is represented to the present General Assembly, that Charles A. Bailey and John A. Bailey obtained an order of Todd county court, at the April term, 1833, to erect a mill on the Elk fork of Red river, and the said Baileys, owing to unexpected difficulties in procuring lands that would be overflowed by high waters, &c. will not be able to commence said work by the time required by law: For remedy whereof,

12 months time allowed them to commence the erection of their mill.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John A. Bailey and Charles A. Bailey be allowed the further time of twelve months, from and after the eighth day of April next, to commence the erection of a mill on the Elk fork of Red river, by virtue of an order of the Todd county court, of April, one thousand eight hundred and thirty-three.

[Approved February 7, 1834.]

CHAP. 331.—AN ACT for the benefit of Elizabeth Brown.

\$40 allowed him, to be paid out of the treasury.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sum of forty dollars be, and the same is hereby appropriated for the use of Edward Brown, as a compensation for his expenditures in pursuing and apprehending William Hall, who was committed to the jail of Muhlenburg on a charge of felony, and escaped therefrom.

Sec. 2. *Be it further enacted,* That the auditor be, and he is hereby directed, to issue his warrant upon the treasury for the sum aforesaid, in favor of said Brown, or his assigns, or order, which said warrant the treasurer is hereby directed to pay, out of any moneys in the treasury not otherwise appropriated.

[Approved February 7, 1834.]

CHAP. 332.—AN ACT to authorise the Trustees of the African Church in Lexington to convey a house to Sarah Sayre.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sale heretofore made by Samuel Oldham, Parker Pea, Edward Claibourne, and

John Holmes, trustees of the African Church in the city of Lexington, of a certain house, previously occupied by the said church as a house of worship, unto a certain Sarah Sayre, for the sum of two hundred and twenty dollars, be, and the same is hereby declared legal and valid; and the said trustees of the said African church, be, and they are hereby vested with as full power and authority to convey, by deed, or otherwise, unto the said Sarah Sayre, the said house, used for a church, as aforesaid, as if the power and authority to do the same had been fully vested in them by the act concerning religious societies, passed February first, one thousand eight hundred and fourteen, in force from its passage.

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A sale made by the trustees of the church, legalized:

and a conveyance in pursuance thereof authorised.

[Approved February 7, 1834.]

CHAP. 333.—AN ACT to establish a Turnpike Road Company from Pikeville to the Virginia state line, at or near the head of Elkhorn.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall, and the same is hereby formed, for the purpose of making a road from Pikeville, in Pike county, to the Virginia state line, at or near the head of Elkhorn, under the name and style of the Pikeville and Virginia Turnpike Road Company.

A company incorporated to construct the road.

Sec. 2. *Be it further enacted*, That the capital stock of said company shall be twenty-five thousand dollars, divided in shares of fifty dollars each.

Amount of capital stock.

Sec. 3. *Be it further enacted*, That books for the subscription of stock in said company, shall be opened on the first Monday in June next, at Pikeville, Prestonsbnrg, Lee court house, Virginia, Scott court house, Virginia, under the direction of the commissioners hereinafter named: that is, at Pikeville, under the direction of Robert D. Callehan; at Prestonsburg, under the direction of Henry B. Mayo: and the said Callehan and Mayo are hereby authorised and required to appoint commissioners at Lee and Scott court houses, Virginia. The commissioners named at each of the aforementioned places, shall procure one or more books, and in each of them enter, as follows: "We, whose names are hereto subscribed, do promise to pay to the president, managers, and company of the Pikeville and Virginia Turnpike Road Company, fifty dol-

Commissioners appointed to open books for the subscription of stock.

Form of the obligation to be signed by subscribers.

1834. lars for every share of stock in said company set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers of said company, and agreeably to the act of the General Assembly of the Commonwealth of Kentucky, to incorporate a company for making a turnpike road from Pikeville, in Pike county, to the Virginia state line, near the head of Elkhorn. Witness our hands, this day of

Notice of the time and places of receiving subscriptions to be given.

Who may become subscribers.

Books—how long to be kept open.

Subscriptions—when and in what proportions to be paid in.

First election of president, directors and officers, when to be held.

one thousand eight hundred and The said commissioners shall give notice, by advertisement, at each of the places where books for subscriptions of stock shall be opened, of the time thereof: at which respective times and places, one or more of said commissioners shall attend, and permit all persons of lawful age, bodies politic and corporate, who shall offer to subscribe in said books, in their own name, or in the name of any other person or persons, who shall duly authorise the same, for any number of shares in said stock. The said books shall be respectively kept open, for the purpose aforesaid, by adjournment, from time to time, and from place to place, until the whole shares shall be subscribed: of which adjournments, the said commissioners shall give notice as occasion may require; and every person, who shall subscribe for one or more shares, shall, so soon as the president and managers shall be chosen, pay the sum of ten dollars upon each share so by him or them subscribed: and that no subscriber for stock shall be bound to pay off the same, nor shall the president and managers have power to call in more of said stock than five dollars on the share, in any sixty days thereafter.

Sec. 4. *Be it further enacted,* That the commissioners aforementioned, shall, after their respective books have been kept open for sixty days, send, as soon as possible thereafter, the whole amount or number of shares subscribed, on their respective books, to the commissioners at Pikeville, whose duty it shall be, if it shall appear that five hundred shares have been subscribed, to give notice thereof to each commissioner, whose books have been opened, of the actual number of shares taken, and the number at each place: and likewise, said commissioners at Pikeville, when the whole amount of shares shall have been subscribed, shall appoint a time and place for the election of a president and such a number of managers as the stockholders shall agree upon, a treasurer, and such other

officers as they may deem necessary to conduct the business of said company, and give notice thereof to the several stockholders, their agent, or attorney; and when said company shall be so organized, they shall be a body politic, in deed and in law, by the style and title of the President, Managers and Company, of the Pikeville and Virginia Turnpike Road Company; and by that name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding said capital stock, and the increase and profits thereof, and of increasing the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking, and holding, to them, their successors or assigns, and of selling, transferring, and conveying, in fee simple, all such lands, tenements, hereditaments, and estate, real or personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, impleading and being impleaded, answering and being answered, defending and being defended, in all courts of record, or elsewhere; and also to make, have, and use, a common seal, and the same to break, alter, and renew, at pleasure, and all and every other matter and thing which a corporation or body politic may lawfully do.

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Notice thereof to be given. When said officers are elected declared a corporation and the style thereof.

General corporate powers conferred.

May increase the amount of the capital stock.

May purchase and sell real estate, &c.

Sue & be sued.

Have a seal &c.

Sec. 5. *Be it further enacted*, That the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, in the proportion as follows: For every share under five, one vote; for every two shares over five, and not exceeding ten, one vote; for every four shares over ten, and not exceeding thirty, one vote; and for every six shares over thirty, and not exceeding sixty, one vote; for every eight shares over sixty, and not exceeding one hundred, one vote; and for every ten shares over one hundred, one vote; and after the first election, no share or shares shall confer a right of voting, unless the same shall have been holden at least three calendar months previous to the day of the election. All stockholders may vote by written proxy: none but a stockholder shall be eligible as a president, manager, or treasurer; and every president, manager, or treasurer, as the case may be, shall cease to be such, upon his ceasing to be a stockholder.

Manner of voting shares of stock in all elections.

Shareholders may vote by proxy. None but a stockholder can act as a president, director or treasurer.

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Annual and called meetings of the stockholders may be held,

at which they may enact by-laws, &c.

Certificates of stock to be issued:—

May be transferred by the owners.

Five members a quorum to do business.

The president and managers authorised to appoint officers and make contracts, &c.

To fix their salaries.

To make calls on the stockholders, &c.

Sec. 6. Be it further enacted, That the stockholders in said company, shall, by their by-laws, appoint a time for their meetings, which shall be one annual meeting in each year, for the purpose of electing their officers; and they shall be at liberty to have such called meetings, as by their by-laws they shall direct; and at all such annual or called meetings, they shall have the power (a majority being present) to repeal, alter, and make all such by-laws and regulations as they shall deem proper, and do and perform any other corporate act.

Sec. 7. Be it further enacted, That the president and managers first chosen shall procure certificates to be written or printed, for all the shares of the stock of said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the common seal of said corporation, to each person for every share by him subscribed and held, which certificate shall be transferable, at pleasure, by him in person, or by his authorised attorney, in the presence of the president, secretary, or treasurer, subject, however, to all payments due, and to become due thereon; and the transferee, holding any certificate, having first caused the transfer or assignment to be entered in a book of the company to be kept for that purpose, shall be a member of said corporation; and every certificate, so held by him, shall entitle him to such and so many shares of the capital stock, as shall be specified on its face, and of all the estates and emoluments of said company, and to vote at the meetings thereof.

Sec. 8. Be it further enacted, That five members of said managers, shall, at any annual or called meeting, form a quorum for the transaction of business, and in the absence of the president, may choose a chairman; and they shall keep minutes of their proceedings and transactions, in a book to be for that purpose provided: and a quorum having met and organized, they shall have full power and authority to agree with and appoint all such surveyors, superintendants, artists, and officers, as they shall adjudge necessary to carry into execution the intended work, and affix their respective wages or salaries, and to do all other acts as shall appertain to the object and intention of this act. That said board of managers shall ascertain the time, manner, and proportion, to be paid by the stockholders on their respective shares, and draw orders on their trea-

surer to defray all expenditures relating to said work; which order shall be entered in the book of minutes, and signed by the president, or, in his absence, by the chairman, and generally to do all such other acts and things relating to said company as shall be committed to them.

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Sec. 9. *Be it further enacted*, That if any stockholder, original subscriber, or assignee, after they shall have thirty days notice of the time and place appointed for the payment of any proportion of said capital stock, shall neglect to pay such proportion for the space of thirty days after the time so appointed, every stockholder, in addition to the instalment called for, shall pay at the rate of five per centum per month, for every such delay of payment; and if the said instalment and the additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall be equal to the sum or sums before paid in part, and on account of said share, the same shall be forfeited by, and to, said company, a majority of the managers being present, and may be sold by the managers thereof, to any other person or persons, for such price as can be had therefor; or, in case of a default in payment, of any stockholder of any instalment so by him or them due and owing, the president and managers may, at their election, sue for and recover the same, together with the penalty of five per centum per month, before any court having jurisdiction thereof, or before a justice of the peace, as the case may be: *Provided*, That no stockholder shall be entitled to vote at any election or meeting of the board of managers, unless the whole sum due and payable on the share or shares held by him, shall have been paid at the time of such meeting or election. *Provided, also*, That said president and managers shall not be at liberty to sell any share or shares of said capital stock at less than par.

Penalty for failing to pay instalments of stock called for, how recovered, &c.

Or the stock may be forfeited for such failure and sold

Instalments may be sued for and recovered.

Proviso.

Sec. 10. *Be it further enacted*, That said board of managers shall appoint a surveyor or surveyors, engineer or engineers, to view and mark the nearest practicable route for said road, and make report thereof, as well as the names of individuals owning or being tenants in possession of the land over which the same passes, to the said board of managers, who shall, at the first county court for Pike county, lay the same before the said court; and thereupon, said county court shall award a summons, to be issued against the proprietors and tenants of said land, requiring them to appear be-

Commissioners to be appointed to view a way for the road, & make report to the managers, &c.

Summons to be awarded against the owners of the land over which the road is to pass,

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returnable to
Pike county
court.
Writs of ad
quod damnum
may be award-
ed to condemn
land for the
road.
And render a
judgment for
the damages as-
sessed.

fore said court to assign cause why said road shall not be opened; and, upon the return of said summons executed, they, or any of them objecting, said court shall award to them a writ, in the nature of a writ of ad quod damnum; whereupon, proceedings shall be had according to the existing laws now in force in like cases; and if any damages shall be awarded to any such proprietors or tenants, it shall be the duty of the said county court, upon the return of the said inquest, to render judgment against said president, company, and managers, for the damages so found, together with the costs of such inquest.

The manner in
which the road
is to be made.

Sec. 11. *Be it further enacted*, That said president, managers, and company, shall cause the said road to be cut at least thirty feet wide, and dug and made smooth twenty feet wide, where digging is necessary, and the same at all times to be kept in good repair, suitable for carriages and other travelling.

A toll gate may
be erected
thereon.

Sec. 12. *Be it further enacted*, That so soon as they shall have opened said road, they shall be at liberty to erect thereon one toll gate, within one mile of the Virginia state line, for the purpose of collecting the tolls and duties hereinafter granted and allowed, to wit: For every hundred head of hogs, sheep, or other small stock, fifty cents; for every head of cattle, one cent; for every horse, mule, or ass, or other larger animal, (except cattle,) six and a fourth cents; for every foot passenger, six and a fourth cents; for every two wheeled carriage, and horse or horses, and driver, twenty-five cents; for every four wheeled carriage, horses, and driver, fifty cents, and no more.

Penalty for re-
fusing to pay or
avoiding the
payment of toll.

Sec. 13. *Be it further enacted*, That if any person or persons, driving any stock, carriage, or riding along said road, or foot passenger, with an intent to avoid the payment of any of the tolls or duties aforesaid, pass through or around said gate, which shall be erected in pursuance of this act, shall, for every such offence, forfeit and pay, to said president, managers, and company, the sum of five dollars, to be recovered in their corporate name, before any justice of the peace, by action of debt; and it shall be the duty of the keeper of said gate to diligently prosecute any such offender or offenders.

How recovered
and applied.

Sec. 14. *Be it further enacted*, That should said road, or any part thereof, at any time be out of order, any two justices of the peace residing in said county of Pike, upon being informed thereof, shall go upon the

The collection
of tolls may be
suspended, if

same, and upon examination thereof, if the said road, or any part thereof, shall be found out of order, and it appearing by proof that it had been so for the space of ten days previous thereto, they shall, by their order, open the gate and suspend the payment of any tolls or duty, until the same shall be repaired and put in good order; which order they shall cause to be delivered to the toll-gatherer, and to be by him obeyed, under the penalty of one hundred dollars.

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the road is permitted to remain out of good repair.

Sec. 15. *Be it further enacted*, That this commonwealth hereby reserves to herself the privilege and right to take the whole or any part of the said capital stock, at any time after twenty years, by paying to said stockholders the amount of said capital stock, so by them paid for.

Reservation of power by the Legislature.

Sec. 16. *Be it further enacted*, That the tollgate-keeper on said road shall not receive more than at the rate of one hundred dollars per year for his services; nor shall the stockholders thereof divide more than six per centum per annum on their stock actually paid in: the balance of receipts shall be applied, under their direction and superintendence, towards keeping said road in good repair.

Salary of the toll gate keeper.

Stockholders not permitted to divide more than 6 per cent on stock, per annum.

(Approved February 8, 1834.)

CHAP. 334.—AN ACT for the benefit of the London Seminary in Laurel County.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that there has been for the last year an attempt to keep up a free school, in the town of London, by individual subscription, and that the means of keeping up a school upon such principle in said town, are too limited—

Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the fines and forfeitures of Laurel county be, and the same are hereby appropriated to aid in the maintenance of said school.

The fines and forfeitures in Laurel county to be applied to the benefit of London Sem'y.

Sec. 2. *Be it further enacted*, That the present trustees of said seminary shall have power, a majority of those in commission being present, to direct the appropriation of the fines and forfeitures aforesaid, and to make any regulation for the well government of said school, and fill up vacancies that may happen in their body.

The trustees of said seminary to appropriate said fines, make by-laws, &c.

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The officers of said county to report, and pay the fines to the trustees.

And may be proceeded against for a failure to do so.

The fines and forfeitures in Madison appropriated to improving the public roads.

Those in Montgomery co. to the Mountsterling Seminary.

Sec. 3. *Be it further enacted,* That the magistrates and clerk in said county shall, whenever called on by the trustees aforesaid, or their authorised agent, furnish, upon oath, a written statement of all fines and forfeitures, inflicted before them or in their court, stating therein into whose hands they are lodged for collection; and any sheriff or constable, who shall collect any fines and forfeitures, inflicted or adjudged in said county, except militia fines, is hereby ordered and directed to pay over all such fines and forfeitures, with the exception aforesaid, to the trustees of said seminary, or their agent; and upon such sheriff or constable failing or refusing to pay over such fines or forfeitures, shall be liable to be proceeded against in the same manner, and shall be subject to the same penalties, which are provided against officers failing and refusing to pay money collected for individuals.

Sec. 4. *Be it further enacted,* That all fines and forfeitures, (militia fines excepted,) hereafter assessed in the county of Madison, under any law of this commonwealth, be, and the same are hereby appropriated to the improvement of the public roads in said county, to be collected and paid over in the same manner as now directed by law, and to be appropriated to such road or roads as the county court of said county may direct, a majority of all the justices in commission being present.

Sec. 5. *Be it further enacted,* That hereafter all the fines and forfeitures assessed in Montgomery county, shall be appropriated to the use and benefit of the Mountsterling seminary.

[Approved February 8, 1834.]

CHAP. 335.—AN ACT to establish an election precinct in the County of Union, and to change the place of voting at an Election precinct in the County of McCracken.

Election precinct established in Union county.

Bounds thereof and place of voting.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Union county contained in the following boundary, to wit: Beginning at the mouth of Lass creek, running up said creek so far that a south-eastwardly course will include William Mudd, from thence to include Graham's old place, thence to include the widow Jones' tavern, to Cypress creek below said farm, thence down said creek to a point opposite Hanshaw's mill, from

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thence to the Ohio river, including said mill and Thomas Miller's farm on the river, thence up the Ohio river, to include the Wabash island, to the beginning—shall be deemed an election precinct for the county of Union, known by the name of the Ohio precinct; and the elections therein shall be held in the town of Raleigh, at the house of Richard T. Jones, or any other house in said town, designated by the county court of Union from time to time: and the judges, sheriff, and clerk, who shall be appointed by the county court of Union to attend elections in said precinct, shall be under the same regulations, and receive the same compensation that the law directs in similar cases: and the voters in said precinct may vote at said precinct, or at the court house, as they may prefer.

Officers to be appointed to attend elections therein.

Sec. 2. *Be it further enacted*, That the sheriffs, attending elections at the court house in Union county, and the several precincts in said county, shall meet at the court house the Friday after the election, and compare the polls of the several candidates, and give a certificate to the person or persons entitled to the same.

Polls to be compared.

Sec. 3. *Be it further enacted*, That the election precinct in the county of McCracken, which has heretofore been holden at the house of John Weaver, shall hereafter be holden at the house of John Terrell, in said county.

Place of voting in a precinct in McCracken county changed

[Approved February 8, 1834.]

CHAP. 336.—AN ACT for the benefit of Simon, a negro man, slave of Charles Roseberry.

Whereas, it is represented to the present General Assembly, that Lucy Cotton, a free woman of color, departed this life, in the city of Lexington, possessed of estate, real and personal, without issue, and intestate; and a negro man slave, named Simon, the property of Charles Roseberry, is her only brother and relative now living, and that he is quite old; but, in consequence of his being a slave, he cannot inherit or enjoy said estate: that said Roseberry is willing to emancipate said slave, upon condition that the Legislature will enable him, the said Simon, to take, sue for, recover, and enjoy, said estate, and has petitioned this legislature for that purpose: Therefore,

Recital.

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The negro slave Simon permitted to inherit certain estate upon his being emancipated.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon said Charles Roseberry emancipating said slave Simon, according to the laws now in force, all the interest, right, title, and claim of the state of Kentucky, in and to the estate, real and personal, of the said Lucy Cotton, of which she died seized and possessed, or otherwise owned, is hereby released, and vested in said Simon, to be sued for, and recovered, and held in his own name, and to his own use, provided the said Simon shall make it appear to the satisfaction of any court in which he may institute suit for the recovery of said estate, real or personal, against the person or persons who may be in possession thereof, that he is the brother or half brother, by the mother's side, of said Lucy Cotton, and that she has no other brother or sister living, and that said Lucy died without any will in writing, or if she made a will, either verbal or written, devising said estate to any other person, bond or free, that such person was not in being at the time of her death, or is, by law, incapable of holding estate in this commonwealth, and that she died without issue or lawful heirs, before he shall be authorised to take, recover, or hold the said estate.

And to maintain suits for the recovery thereof.

Sec. 2. Be it further enacted, That upon the said Simon making such proof in court, he shall have all the rights and privileges, in law and in equity, to prosecute to judgment and execution, any suit or suits, for the recovery of the estate of said Lucy, which he could have done had he been free at her death, or capable of taking estate by descent, as a legal heir of said Lucy; and he shall, moreover, enjoy and hold the same, when so recovered or possessed by him.

[Approved February 8, 1834.]

CHAP. 337.—AN ACT for the benefit of Margaret Gorman.

Whereas, it is represented to this General Assembly, that Robert Gorman, late the husband of Margaret Gorman, hath heretofore obtained a decree for a divorce from the said Margaret Gorman, in the Lawrence circuit court; and whereas, it is further represented, that said decree was obtained by deceit and fraud, on the part of said Robert Gorman, by inducing said Margaret to believe that said suit would be dis-

continued, whereby she was induced to make no defence to said suit: Therefore,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, Margaret Gorman be, and she is hereby released from the obligations and liabilities of the marriage contract heretofore existing between her and Robert Gorman; and that she be restored to all the rights and privileges of a *feme sole*.

[Approved February 8, 1834.]

CHAP. 338.—AN ACT to authorise the opening of a road from Flatrock, in Bourbon County, by way of Sharpsburg, in Bath County, to Owingsville.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Duncan O. Richart and William Crouch, of the county of Bourbon, James Sudauth, Seuit Young, sen. and David B. Williams, of the county of Bath, be, and they are hereby appointed commissioners, whose duty it shall be to view the nearest and best way for a state road from the town of Flatrock, in Bourbon county, by way of Sharpsburg, in Bath county, and to intersect the main state road leading from Lexington to the mouth of Big Sandy, at Owingsville.

Commissioners appointed to view a route for the proposed road.

Sec. 2. *Be it further enacted,* That it shall be the duty of said commissioners, or a majority of them, to meet at the town of Flatrock, on the fourth Monday in April next, or as soon thereafter as convenient, and after taking the necessary oath before some justice of the peace, shall proceed to discharge the duties enjoined on them by this act: and it shall be their duty, after viewing said road, to make out two fair copies of their report, one of which they shall return to each of the county courts of Bourbon and Bath, within two months after making the same, and shall designate in their report, the length of the road from one extreme point to the other, and the most noted places on the route which said road will pass, together with the names of the persons whose land said road will pass, distinguishing those that lie in separate counties from each other.

Commissioners to meet in April.

To take an oath

Reports to be made to the Bourbon and Bath county courts.

Sec. 3. *Be it further enacted,* That upon the return of said report to the court, it shall be the duty of said

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The owners of the land through which the road is viewed to be summoned to shew cause.

Writs of *ad quod damnum* may be awarded to assess damages.

The said county courts may order the road to be opened, and laid off into precincts, appoint overseers, &c.

Duty of the overseers.

The said county courts may fill vacancies in board of commissioners,

And makethem an allowance.

Proviso.

court to cause their clerk to issue a summons against the several owners of land, over which said road will pass, to appear at their next term of said court, and show cause why said road should not be opened; and if any person shall object to said road passing over his, her, or their land, he, she, or they shall be entitled to his writ of *ad quod damnum*, as in other cases of opening public roads; and after all the persons, whose land said road is proposed to pass, being summoned and fully heard, if the respective courts of Bourbon and Bath, a majority of all the justices being present and concurring therein, shall be of opinion said road should be opened, they shall immediately proceed to lay off said road in suitable precincts, and appoint one overseer to each precinct, and allot a suitable number of hands to each, who shall be notified, as in other cases of opening public roads.

Sec. 4. *Be it further enacted*, That the overseer so appointed shall cause said road to be opened and cleared out at least thirty feet wide, and put in a suitable condition for carriages and wagons to pass with ease and safety.

Sec. 5. *Be it further enacted*, That the county courts of Bourbon and Bath shall have power to fill all vacancies in the commissioners, appointed by this act, which may happen in their respective counties, either by death, resignation, refusal to act, or otherwise; and it shall be the duty of said courts to make a reasonable allowance to said commissioners, who may act, for their services, to be paid out of the next county levy; provided said allowance shall not exceed one dollar and fifty cents per day each, while engaged in viewing said road: *Provided, further*, that the county court of each county, through which said road shall be opened, shall agree to pay all cost and damages incident to the establishment of so much of said road as may lie within said county.

[Approved February 8, 1834.]

CHAP. 339.—AN ACT to establish the Town of Mills Point, in the County of Hickman, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town which was laid off in the county of Hickman, upon the bank of

the Mississippi river, by George W. L. Marr, in the year eighteen hundred and twenty-eight, shall be, and the same is hereby established upon the plan formed and laid down by said Marr, proprietor thereof; and the said plan is hereby ratified and confirmed, and that said town shall hereafter be known and called Mills Point.

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Town established.

Sec. 2. *Be it further enacted*, That John. Hanna, John Smith, B. W. McIntosh, John T. Darby, and James T. Belknap, are hereby constituted and appointed trustees for said town, who shall continue in office twelve months from and after the first Monday in June next; and it shall be the duty of the trustees aforesaid to have the plan of said town recorded in the clerk's office of the county court of Hickman county, as soon as practicable.

Trustees appointed.

Plan of town to be recorded.

Sec. 3. *Be it further enacted*, That it shall and may be lawful for the free male inhabitants of said town, of the age of twenty-one years and upwards, to meet on the first Monday in June, in the year eighteen hundred and thirty-five, and every year thereafter, at such place as may be designated by the trustees of said town, and choose by vote, *viva voce*, five fit persons, for trustees, to serve for one year thereafter, and until their successors are duly elected.

Trustees to be hereafter elected.

Sec. 4. *Be it further enacted*, That said trustees shall appoint a town clerk, who shall continue in office until the election succeeding his appointment; and, in like manner, each new board of trustees shall appoint a clerk to serve for the same term, whose duty it shall be, to keep a fair record of the proceedings of the trustees, and to give public notice, by advertisement, in said town, at least ten days previous to any election for trustees.

Trustees may appoint a clerk.

His duty.

Sec. 5. *Be it further enacted*, That if the citizens of said town shall, at any time hereafter, fail to have an election on the day appointed in this act, that then, and in that case, the clerk, or any trustee, may, by giving ten days previous notice, have an election held for trustees, which shall be as legal as though it had taken place on the day herein appointed.

If there be no election on the day appointed, it may be held at another time.

Sec. 6. *Be it further enacted*, That the trustees of said town, hereby appointed, and their successors in office, a majority of them concurring therein, shall have full power to pass such by-laws, for the government of said town and the inhabitants thereof, as to them shall seem expedient and right; provided, they

May pass by-laws.

1834. be not contrary to the laws and constitution of this state.

Levy a tax.

Sec. 7. *Be it further enacted*, That the said trustees, a majority of them concurring therein, shall have power to levy, and have collected, annually, a tax on the property in the said town, now subject to taxation by the revenue laws of this commonwealth; and shall also have the power to levy and collect a tax, annually, off of the tithes in said town: *Provided*, it shall not exceed fifty cents on each tithe, and twenty-five cents on each hundred dollars worth of property, to be appropriated and laid out by them for the improvement of said town.

Appoint an assessor

They shall also have power to appoint an assessor, annually, who shall be sworn to the faithful and impartial discharge of his duty. It shall be the duty of said assessor to make out, and furnish to the trustees, at such time as they may appoint, lists of the taxable property of each individual in said town, with the value attached thereto; and also a list of the lots, and the value thereof, which belong to individuals who do not reside in town. Said trustees shall also have power

and collector.

to appoint a collector, annually, to collect the taxes assessed on the taxable property, and tithes in said town, who shall give bond and approved security to the trustees of said town, for the faithful performance of his duty; and the said collector shall have power to make distress and sale, if necessary, in the same manner as is now authorised by law in regard to sheriffs in collecting the revenue and county levy in this commonwealth; and said trustees shall allow to the assessor and collector, for said town, an adequate compensation for their services.

His duty and pay.

Vacancies to be filled.

SEC. 8. *Be it further enacted*, That should the office of trustee, clerk, assessor, or collector, for said town, become vacant, by death, removal, resignation, or any other cause whatever, it shall be lawful for a majority of the trustees, then remaining in office, to fill such vacancy; and the person filling such vacancy shall continue in office until the ensuing annual election.

[Approved February 8, 1834]

CHAP. 340.—AN ACT allowing an additional Constable for the County of Gallatin.

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Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of Gallatin county shall, at their next April term, proceed to appoint an additional constable in the town of Warsaw, Gallatin county.

Sec. 2. *Be it further enacted*, That the county court of said county shall confine the appointment to some citizen of Warsaw, resident of said town at the passage of this act.

[Approved February 8, 1834.]

CHAP. 341.—AN ACT to enlarge the Constable's District for the town of Monticello.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the constable's district for the town of Monticello, Wayne county, be, and the same is hereby extended and enlarged so as to include the residence of David Smith, thence to Isaac Shepherd's jr., thence to Charles E. Mills', thence to Cornelius Philips', so as to include the farm whereon Gordon C. Stephens now resides, thence a direct line to the road leading from the town of Monticello to Green's ferry, to intersect said road one mile from said town, thence with said road to said town.

[Approved February 8, 1834.]

CHAP. 342.—AN ACT to allow an additional Justice of the Peace in Greenup County.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that the citizens of Old Town, and its vicinity, in the county of Greenup, are desirous of having an additional justice of the peace allowed to said county: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an additional justice of the peace be allowed to Greenup county.

[Approved February 8, 1834.]

1834. **CHAP. 343.—AN ACT** for the benefit of Sarah Blackford, and the
 Infant Heirs of John Blackford.

Preamble. Whereas, it is represented to the present General Assembly, that John Blackford, late of Jessamine county, died intestate, leaving, amongst other property, a certain negro man named Gilbert, who is so very refractory and turbulent, as to be unsafe for Sarah Blackford, the widow of said intestate, to keep said slave in the family: Wherefore,

A negro man may be sold. *Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for Sarah Blackford, widow of John Blackford, deceased, to make sale of a negro boy, named Gilbert, for the best price that can be had, having first entered into bond, in the Jessamine county court, with good security, in the penal sum of one thousand dollars, conditioned for the faithful performance of her duty under this act.

Proceeds of sale to be vested. *Sec. 2. Be it further enacted,* That when sale shall be made of the negro Gilbert, it shall be the duty of said Sarah Blackford to reinvest the proceeds thereof in one or more negroes, to be subject to the same disposition as other slaves left by said decedent.

[Approved February 8, 1834.]

CHAP. 344.—AN ACT to regulate the number of Justices of the Peace in the County of Mercer.

Whereas, it is represented to the present General Assembly, that the number of justices of the peace for the county of Mercer are more than sufficient to do the public business: Wherefore,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county of Mercer shall hereafter be entitled to twenty justices of the peace, and no more: *Provided, however,* That all those in office shall continue to exercise and enjoy all the rights and privileges of justices of the peace, so long as they may continue in office.

Sec. 2. Be it further enacted, That the county court of Mercer shall not recommend to the Governor any person or persons, to fill the office of justice of the peace, in and for the county of Mercer, until the number is reduced to twenty, as aforesaid.

Sec. 3. *Be it further enacted,* That all acts, or parts of acts, coming within the purview of this act, shall be, and the same are hereby repealed. 1834.

(Approved February 8, 1834.)

CHAP. 345.—AN ACT to protect the settlers in the land district west of the Tennessee River.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall not be lawful for any person, within nine months after the passage of this act, to enter any quarter-section, or fractional quarter-section of land, which has been improved by any actual settler, in the land district west of the Tennessee river, at the passage of this act; and any entry made contrary to the provisions of this act, is hereby declared null and void: *Provided,* That no settler shall be protected in more than two quarter-sections of land under the provision of this act.

Land which is settled to be entered.

[Approved February 8, 1834.]

CHAP. 346.—AN ACT for the benefit of Samuel Woodson, Clerk of Hopkins County.

Whereas, the sheriff of Hopkins county resigned his office in the year eighteen hundred and twenty-seven, and removed to the state of Missouri, and his successor was unable to collect the revenue tax, having no commissioners' book to make his collections from: and whereas, Samuel Woodson, clerk of Hopkins county court, made out and delivered to the said sheriff a second copy of said commissioners' book, for the county of Hopkins, for the year eighteen hundred and twenty-seven, which enabled him to collect the revenue tax due the state: Therefore,

Preamble..

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Woodson be allowed the sum of eight dollars for his services, to be paid out of the public treasury.

Allowance for copying commissioners' book.

[Approved February 8, 1834.]

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CHAP. 347.—AN ACT to amend the several acts to suppress the practice of duelling.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, in administering the oath, directed by the several acts of the General Assembly, "more effectually to suppress the practice of duelling," the oath shall be, from the first day of January, eighteen hundred and thirty-four, instead of the seventh day of November, eighteen hundred and thirty-one.

[Approved February 8, 1834.]

CHAP. 348.—AN ACT for the benefit of Nelson Whites, and others.

Preamble.

Whereas, it is represented to this General Assembly, that Nelson Whites, of the county of Graves, did, on the nineteenth day of January, eighteen hundred and thirty-three, enter with the receiver of public moneys, for the land district west of the Tennessee river, the southwest quarter of section three, township five, range two, east, which was previously included in a military survey; and that said Whites hath petitioned this General Assembly for leave to remove or change said entry: Therefore,

Whites authorized to surrender one quarter section land & enter another.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the receiver aforesaid, upon the application of the said Nelson Whites, and upon his filing with the said receiver the receipt aforesaid, with his certificate thereon, stating that he has relinquished all his right and title to the aforesaid entry, to permit the said Whites to enter, free of charge, any other vacant and unappropriated quarter-section of land in said district.

Receiver to correct two entries of E. Aliff.

Sec. 2. *Be it further enacted,* That it shall and may be lawful for said receiver to correct the entries, made in his office by Elizabeth Aliff, on the twenty-third of October, eighteen hundred and thirty-three—one, for nine and one-half acres, and the other for seventy-six and one-half acres, whenever the deputy surveyor for Hickman county shall furnish him his certificate, and showing that the original certificate, which was given by said deputy surveyor, was given through mistake.

[Approved February 8, 1834.]

CHAP. 349.—AN ACT to provide for reviewing, opening, and establishing a road from Frankfort to Williamstown, in Grant County.

1834.

Whereas, it is represented to the present General Assembly, that a better road than the present may be had from Frankfort to Williamstown, in Grant county, by running along or near the ridge which divides the waters of the north fork of Elkhorn from those of Sulphur Lick, and the waters of Cedar creek from those of Lecompts' run, and crossing Eagle creek at or below Jones' upper mill: Therefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Willis Blanton, Daniel Campbell, John Scott, Belfield Glass, James Hurdon, and James Gouge, or a majority of them, shall meet at the house of James Gouge, in the county of Grant, as soon as practicable, and proceed to ascertain the best way from one of those towns to the other; and if they find that a better road may be had, that they lay off and mark the same, and give notice thereof to those over whose land the proposed road may run, provided they reside thereon, or may be known to said reviewers; and if desired by such owner, that they estimate the damages he, she, or they will sustain by the establishment of the road; and shall report their proceedings to the courts of Franklin, Scott, Grant, and Owen, stating also the number of days that each of them have been employed in the discharge of the duties assigned them by the provisions of this act.

Viewers appointed,

To give notice to the proprietors of land—

If desired, may estimate damages.
To make report

Sec. 2. *Be it further enacted*, That if any proprietor of land, over which the road as established shall run, may fail to require an assessment of damages by the commissioners, and shall apply to the county court of the county in which the land may lie, the said court shall make an order for the assessment of damages by a jury, who shall be governed in all respects by the general laws regulating proceedings of the same kind under writs of *ad quod damnum*.

County courts may order damages to be assessed.

Sec. 3. *Be it further enacted*, That if the several county courts of the counties through which the proposed road is to run, shall agree to pay the damages which may be assessed in their respective counties, they shall proceed to lay off said road into convenient sections or precincts within their respective counties, and appoint a sufficient number of hands to open and keep said road in repair.

Damages to be paid out of the county levy.

The road may be opened.

1834.

Reviewers to be
sworn, and
their pay.

Sec. 4. *Be it further enacted*, That said commissioners shall, before they proceed to the discharge of the duties assigned them by the provisions of this act, take an oath, before some justice of the peace, to faithfully perform their duties under this act; and said commissioners shall be entitled to the sum of one dollar each, per day, to be paid by the respective counties in which they reside.

[Approved February 8, 1834.]

CHAP. 350.—AN ACT to amend an act, entitled, "an act enlarging the town of Madisonville, in the county of Hopkins," approved January 25, 1833.

Whereas, it is represented to the present General Assembly, that the act of the last session, enlarging the town of Madisonville, in the county of Hopkins, in giving course and distance to the lands intended to be added to the boundaries of said town, through mistake, a part of the lands of Dr. John Ray, was included in the addition of lands to said town. It also appearing that said Ray had no knowledge of the passage of said act, until long after the passage thereof, and never consented that any part of his lands should be included within the boundaries of said town: Wherefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the above recited act, enlarging the town of Madisonville, as includes any part of the lands of the said John Ray within the boundaries thereof, be, and the same is hereby repealed.

[Approved February 8, 1834.]

CHAP. 351.—AN ACT to allow additional Constables to Logan, Hardin, Meade and Washington Counties.

Logan.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, the county court of Logan county, be, and the same is hereby authorised to appoint an additional constable for said county, who shall reside in the town of Adairsville.

Sec. 2. *Be it further enacted*, That so much of a law passed eighteen hundred and twenty-nine, as locates a constable in the neighborhood of Samuel Vontress, Esq. Warren county, be, and the same is hereby repealed; and that said constable in said neighborhood, be permitted to reside any where within seven miles of said Vontress. 1834.

Warren.

Sec. 3. *Be it further enacted*, That the county court of Hardin county, a majority of all the justices being present, shall have the power, and they are hereby directed to appoint two additional constables for the county of Hardin; one of which, when appointed, is to reside at West Point, and the other when appointed, is to reside immediately in the neighborhood of David Burcham, Esq. Hardin.

Sec. 4. *Be it further enacted*, That the county court of Meade county, a majority of all the justices being present, shall have the power, and they are hereby directed, to appoint an additional constable to the county of Meade, to reside immediately in the neighborhood of the Big Spring in said county. Meade.

Sec. 5. *Be it further enacted*, That it shall be lawful for the county court of Washington to appoint, according to the provisions of the existing laws, an additional constable in and for Washington county, who shall reside in the district in said county, lying between the road leading from Springfield to Perryville, and the road from Springfield to Hay's old tavern stand, on the Green river road. Washington.

[Approved February 8, 1834.]

CHAP. 352.—AN ACT to encourage the publication of a new Digest of the Statute Law of Kentucky.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That when Charles S. Morehead and Mason Brown shall file in the office of the Secretary of State, the certificate of the judges of the Court of Appeals, or any two of them, that the digest of the statute law of Kentucky, which they propose and are about to publish, is faithful and accurate, and worthy of public patronage, and should be received as authority in the courts of justice, the Secretary of State is hereby authorised and required to contract with the said Morehead and Brown, for two thousand Judges of the court of appeals to examine the Digest and give a certificate. Secretary of State to contract for 2000 copies.

1834.

The price, and
how paid.

copies of said work, at the price of three dollars and fifty cents for every six hundred pages of printing contained therein, tables and indexes being taken into the calculation; the work to be printed on a fair legible type, in two or more royal octavo volumes, on super-royal paper, well bound and lettered; and when they shall deliver to the Secretary of State, the aforesaid number of copies of said digest of the laws, he shall give a receipt for the same, and certify to the Auditor of public accounts the amount due for the same, at the aforesaid price; and the Auditor of public accounts is thereupon directed to issue a warrant upon the Treasury, in favor of said publishers, for the amount so certified, which shall be paid out of any money in the Treasury, not otherwise appropriated.

What laws to
be contained in
the Digest, and
to contain an
index.

Sec. 2. Said work is to contain a digest of the statute laws, down to the close of the present session of the Legislature, with a reference to the most important judicial decisions, which have given a construction to any of said laws, and shall contain a copious and correct index of the principal matters contained therein, alphabetically arranged: *Provided*, That said digest shall not contain any local or private acts, or any of the acts in relation to the Bank of Kentucky.

Digest, how
distributed.

Sec. 3. So soon as the said work is received, the Secretary of State shall proceed to have the same distributed, in the following manner: one to each judge of the court of appeals, circuit judge and justice of the peace, one to each circuit and county court attorney, one to the clerk of the court of appeals, one to the clerk of the general court, one to each of the circuit court clerks, and one to each of the county court clerks, one to each high sheriff, one to each surveyor, ten to the clerk of the Senate, and thirty to the clerk of the House of Representatives.

The judges of
the court of ap-
peals to exam-
ine the work as
soon as practi-
cable:—
Their pay.

Sec. 3. The judges of the court of appeals are hereby requested, as soon as practicable, to make an examination and give a certificate as required in the first section of this act: *Provided*, Said work shall be deemed by them worthy of recommendation; for the performance of which duty, each judge shall be entitled to one hundred dollars, and the Auditor of public accounts is directed to issue his warrant accordingly, upon the production of the certificate of the Secretary of State, that the duty has been performed.

Sec. 5. When any of the officers entitled to a copy of said digest, shall have received the same, upon his or their going out of office, such officer shall deposit the said copy with the clerk of the court where he or they shall have exercised the office, by virtue of which he became entitled to such copy; and on his failure so to do, he shall be subject to all the penalties now in force against any of the officers of this government, for failing to return the public books when they go out of office.

1834.

Officers going out of office to deliver over the Digest for their successors.

[Approved February 8, 1834.]

CHAP. 353.—AN ACT to amend and reduce into one the several acts constituting Boards of Internal Improvements for Shelby and Franklin Counties.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Samuel Harbison, Joseph L. Foree, John N. Lyle, Jeremiah Long, and Percival Butler, be, and they are hereby constituted a board of internal improvement, for the purpose of completing a turnpike road through Shelby county, now partly made, extending from the termination of the turnpike road made by the "Louisville and Shelbyville turnpike road company," through Shelbyville to the Franklin county line. And that they may be the better enabled to effect the said object, the said board is hereby constituted a body politic and corporate, in deed, and in law, and under the style and name of the "board of internal improvement for Shelby county;" and under the said style and name, shall have perpetual succession, and all the privileges and immunities and franchises of a body politic and corporate; and as such shall be capable of purchasing, taking and holding to them, and their successors and assigns, and of selling, conveying in fee simple, all such lands, tenements and estate, real, personal or mixed, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, before any or all courts of record, and other judicial tribunals whatsoever; and also, to make, have and use a common seal, and the same to break, alter or renew, and to do each and every act which a body corporate and politic, as such may lawfully do.

A company incorporated to construct a turnpike road from the termination of the Shelbyville and Louisville turnpike to the Franklin county line.

Style of incorporation.

General corporate powers and privileges conferred.

May purchase and sell estate, real and personal.

Sue and be sued, &c.

1834.

A majority of the board a quorum to do business and appoint their own officers.

Treasurer to give bond and security.

Sec. 2. *Be it further enacted*, That a majority of said board shall constitute a quorum to do business; and it shall be their duty to appoint a secretary and treasurer, together with such other officers as they may deem necessary, and to prescribe their duties and responsibilities: *Provided*, That the treasurer, before he enters upon the duties of his office, shall be required to execute bond, with good and sufficient security, conditioned for the faithful performance of his undertaking.

The board to keep a record of their proceedings.

To employ agents, &c., fix their salaries, regulate the terms of subscribing and paying stock, &c.

Sec. 3. *Be it further enacted*, That it shall be the duty of said board, to enter and keep in a book, a fair register of all their transactions; and they shall have power to employ all such artists and agents as they may think proper and necessary, and to agree upon, and fix their salaries and wages; to ascertain and regulate the terms on which subscriptions for stock shall be made; also the time, manner and proportions, in which stockholders and subscribers for stock, shall pay in the same; to draw orders on their treasurer, for all sums necessary to pay any contracts by them made in prosecution of their work, which orders, after being signed by their chairman, shall be entered in their book of minutes.

Authorised to make by-laws for the regulation of said company.

Sec. 4. *Be it further enacted*, That the said board shall be, and they are hereby authorised and empowered from time to time, to ordain and establish such by-laws as they may deem expedient and necessary; and such by-laws shall be obligatory upon said board, and such officers as they may think proper to create, together with the stockholders in said road, and all other persons having necessary connection with said corporation: *Provided*, That said by-laws shall not conflict with the constitution and laws of this state, or the constitution and laws of the United States.

Authorised to enter upon and examine the lands, fix the site for the road, quarries, &c.

Sec. 5. *Be it further enacted*, That it shall, and may be lawful, to, and for said board, by and with their surveyor, engineers, artists and chain carriers, to enter into, and upon all and every, the lands and enclosures, public roads and highways, through and over which the said turnpike road, or any part thereof may be thought proper to pass, and to examine the ground most proper for the purpose; also the quarries, and beds of stone, and gravel, and other materials in the vicinity, that may be necessary for the making and constructing said road, or for keeping the same in repair; and to survey, mark, lay down and fix thereon,

such route or tract for said road, as in the best of their judgment will combine shortness of distance, with the most practicable ground; the said route or tract to be not less than fifty feet in width, nor more than sixty feet.

1834.

Width of the road.

Sec. 6. *Be it further enacted*, That when the said board shall have settled and decided upon the route or tract for said road, or any part thereof, it may and shall be lawful for them, by and with their superintendants, engineers, artists, workmen and laborers, with their tools and instruments, carts, wagons, sleds and other carriages, and beasts of draught and burden, to enter upon the land or lands, in, over, contiguous and near to which the route or tract of said road, or any part thereof shall pass; having given notice to the proprietor or proprietors thereof, if residents, and if non-residents, *femes covert*, or infants, to their agents, husbands or guardians, and from thence to take and use any earth, stone, gravel, timber, or other materials, necessary and convenient for the constructing or repairing said road, making proper compensation to the owner or owners of said lands, if they can agree; but in the event of disagreement as to the compensation of damages, which the said owner or owners of lands as aforesaid, shall be entitled to, then it shall be lawful for said board to apply to some justice of the peace in the county of Shelby, for a writ, in the nature of a writ of *ad quod damnum*; and the said justice shall be, and he is hereby authorized and required to issue said writ, directed to any constable of Shelby county, directing him to summon twelve discreet and disinterested housekeepers of the vicinage, to meet at some, certain place on the route or tract, situated as aforesaid, and at the time mentioned in said writ.

To condemn ground for the route of the road, and materials for its construction.

To make compensation to the owners thereof.

Mode of proceeding to ascertain damages, when the parties cannot agree.

Sec. 7. *Be it further enacted*, That it shall be the duty of some justice of the peace to attend at the time and place mentioned in said writ, and conduct and preside over said inquest; and upon being satisfied by proper evidence, that the proprietor or proprietors of the land in question, if residents, and if non-residents, *femes covert*, or infants, their agents, husbands or guardians, have had three days notice in writing of the proposed inquest, together with the time and place of holding the same, he, the said justice, (extending to the parties the common law right of challenge,) shall administer to such jurors as may be elected, the fol-

A justice of the peace to preside over the inquest to be held for that purpose.

1834.

Jurors to take
an oath.

lowing oath or affirmation: "You and each of you do solemnly swear, (or affirm) that you will impartially and to the best of your skill and judgment, view the land (or stone quarries, gravel, earth, or other materials as the case may be,) proposed to be appropriated to the use of the board of internal improvements of Shelby county; and taking into view the advantages, as well as disadvantages to the owner, ascertain the damage said owner will sustain thereby."

Inquest to be
returned to the
Justice.

Duty of the
Justice.

Fees allowed to
justice and
constable to
be paid by the
board.

SEC. 8. *Be it further enacted*, That the said jury shall return their verdict in writing to said justice, designating and describing therein, as clearly as they can, the quantity, &c. of ground condemned by them, for the foundation of said road; also, designating and describing the situation and extent of any quarries, beds of gravel or stone, earth, timber, or other material so condemned, for the construction of said road, or be used in repairing the same. And it shall be the duty of said justice of the peace, to keep a record of said proceedings in the same manner he does other judicial proceedings held before him; and he shall receive for his services therein, the following fees, viz: for issuing the writ, twenty-five cents, and for presiding over said trial and making the record aforesaid, seventy-five cents; and constable shall receive for summoning the jury, one dollar and twenty-five cents, and for each notice he may serve, twenty-five cents, to be taxed as other fees, and paid by the board of internal improvements.

The company
thereupon in-
vested with the
title on paying
or tendering the
damages assess-
ed.

Sec. 9. *Be it further enacted*, That provided said jury shall find any damages against said board, they may elect either to pay the same, or abandon the said proposed route, stone quarries, beds of gravel, or other materials; but if they shall at any time within thirty days after the finding of said jury, elect to pay the damages so assessed, and actually pay, or tender the same to the proprietor or proprietors, if residents, and if non-residents, *non compus mentis, femes covert*, or infants, to their agents, husbands or guardians, they shall thereupon, and at any time thereafter, be, and they are hereby authorised and empowered by and with their agents, engineers, laborers, &c. to open, enter upon, and take possession of the land so condemned; and also the quarries, beds of gravel or stone, earth, or other materials, for the purpose of constructing or repairing said road, or any part thereof.

Sec. 10. *Be it further enacted*, That said board shall lay out and grade at least thirty-two feet in width, of the aforesaid fifty feet, whenever the ground in the opinion of the board may admit thereof, which shall at no part be of greater elevation, than five degrees; and they shall be bound to make thereon, an artificial road, at least eighteen feet in width, of gravel or pounded stone, to be constructed on the most approved plan, and shall forever hereafter maintain and keep the same in repair.

1834.

Mode of constructing the road.

Sec. 11. *Be it further enacted*, That when said board shall have completed any part of said road, not less than five miles, they shall notify the Governor thereof, who shall thereupon nominate three judicious persons to examine the same, and report to him whether said road is so far made in conformity with the requisitions of this act; and if their report shall be in the affirmative, then the Governor shall by licence, under his hand and seal of the Commonwealth, permit the said board to erect and fix such, and so many gates upon, and across said road, as will be necessary and sufficient to collect the tolls and duties hereinafter granted to the said corporation, from all persons travelling on the same: *Provided*, That said board may erect one gate within not less than three fourths of a mile of Shelbyville, on the west side, and one within not less than three fourths of a mile of Simpsonville, on the west side, and that no other gate shall be erected within a less distance than one mile of any town.

The Governor may licence toll gates to be erected upon the completion of any 5 miles thereof, when examined and approved.

Proviso.

Sec. 12. *Be it further enacted*, That as soon as said board, in conformity with the foregoing provisions, shall have erected a gate or gates, it shall be lawful for them to appoint so many, and such toll-gatherers or gate keepers as they may think proper and necessary, whose duties and liabilities they shall from time to time prescribe by their ordinances and by-laws; and it shall be lawful for said toll-gatherers or gate keepers to receive of, and from all, and every person or persons using said road, the tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horse or mule, or driving any cattle, sheep, hogs, sulky, chair, chaise, phaeton, cart, wagon, sled or other carriage of burden or pleasure, from passing through said gates or turnpikes, until they shall have paid respectively the same; that is to say, for every space of five miles in length of said road, the follow-

The board may appoint toll gatherers and prescribe their duties.

Rates of toll allowed for passing said road.

1834.

ing sums of money, and so in proportion for any greater or less distance, for which gates shall be fixed to collect toll, or for any greater or less number of hogs, or sheep and cattle, viz: for every twenty head of hogs, or sheep, six and a fourth cents, for every head of cattle, six and a fourth cents, for every horse, mule or ass, laden or unladen, with rider or leader, four cents, for every sulky, chair or chaise, with one horse and two wheels, nine cents, and with two horses, twelve and a half cents, for every chair, coach, phaeton, chaise, stage, wagon, coachee, or light wagon, with two horses and four wheels, sixteen cents, for either of the carriages last mentioned, with four horses, twenty-five cents; for every other carriage of pleasure, under whatever name it may go by, the like sums according to the number of wheels and horses drawing the same, for every sleigh or sled; three cents for each horse drawing the same, for every cart or wagon, or other carriage of burden, the wheels of which do not in breadth, exceed three inches, five cents for every horse drawing the same; for every cart or wagon, or other carriage of burden, the wheels of which shall exceed three inches in breadth, and not exceed five inches, four cents for every horse drawing the same, and for any cart or wagon, the wheels of which shall exceed in breadth five inches, two cents for each horse drawing the same; and whenever any such carriage as aforesaid, shall be drawn by oxen or mules in whole or in part, every mule and every ox, shall be estimated as equal to one horse, in charging the aforesaid tolls.

Penalty for refusing to pay or avoiding the payment of toll.

Sec. 13. *Be it further enacted,* That if any person or persons owning, riding in, or driving any carriage of freight or pleasure, or riding, leading or driving any horse or mule, or driving any description of stock, shall, with intent to defraud said board, or evade the payment of tolls, pass through any private gate, bars or fence, or over any ground along or near said turnpike, or the gate thereon erected; or if any person or persons shall practice any artifice or device, with the intention of evading or lessening the tolls fairly due from him, her or them, each, and every person so offending, shall, for every such offence, forfeit and pay to the board of internal improvements for Shelby county, the sum of ten dollars, to be sued for, and recovered with costs of suit, before any justice of the peace for Shelby county, or any other county in this Commonwealth, wherein the person so offending may be found, as other debts of equal amount are by law recoverable.

How recovered and applied.

Sec. 14. *Be it further enacted*, That the said board shall keep a full and fair account of their receipts and expenditures, and shall moreover, semi-annually make out a complete and perfect amount thereof, exhibiting the nett profits of the stock in said road, a dividend of which shall be declared and made among the several stockholders; and the said stockholders, notified of the time and place, where and when the same will be paid, by advertisement in some public newspaper in the county of Franklin or Shelby; all of which shall be reported to the Legislature by said board, at each regular session thereof.

1834.

Semi annual dividends, instalments, &c. to be made to the stockholders.

Sec. 15. *Be it further enacted*, That said board shall erect posts, with suitable indexes at the intersection of said turnpike by other roads, and cause mile posts or stones to be planted along the sides of the said road; and also cause to be affixed on the gates, a printed list of the rates of toll: *And provided*, The said board shall permit the said road to get so much out of order, that travelling or transportation over the same, shall be for the space of twenty-four hours impeded or obstructed thereby, it shall be competent for any person to give information thereof, to any two justices of the peace for Shelby county, and said justices shall thereupon issue a precept, to be directed to any constable, commanding him to summon five disinterested housekeepers, to be named by said justices in said precept, to meet at a certain time on that part of the road complained of, of which meeting, the gate-keeper within whose precinct the alledged defect exists, shall have one day's notice; and the said justices shall swear the housekeepers to examine the said road, and to determine and find whether the same is so out of repair as to obstruct or impede travelling or transportation over the same; which inquisition shall be returned to the said justices, signed by the said housekeepers: *And provided*, The said housekeepers shall find said road to be out of repair, according to the true intent and meaning of this act, a copy of such inquisition or finding, shall be given to the keeper of the gate within whose precinct or division of the road the said defective part is situated, who shall thereupon be required to throw open his gate, and keep the same open and free of tolls, until he shall obtain the certificate of two justices of the peace for Shelby county, that said defect is repaired, and that he has paid and satisfied the costs of said proceeding, which shall be

Mile posts to be erected, and printed rates of tolls fixed upon the gates.

The collection of tolls may be suspended, when the road is permitted to be out of order.

Mode of proceeding.

1834.

as follows, viz: to each of said justices, fifty cents, and to the constable, one dollar.

The members of the board to be elected annually by the stockholders. Notice thereof to be given.

Sec. 16. *Be it further enacted*, That the said board shall in the month of March, 1834, fix upon a day and place for the election of their successors in office, which shall take place in the same month in every year thereafter; and advertise the same in some public newspaper in Franklin or Shelby county, requesting the stockholders to meet, and choose five suitable persons to fill said board, who shall continue in office one year, and until others shall be elected and qualified; each person elected a member of said board, shall, before he enters upon the duties of his office, go before some justice of the peace, and take the following oath or affirmation, viz: "I do solemnly swear, (or affirm) that I will faithfully discharge the duties of a member of the board of internal improvements for Shelby county, according to law, and to the best of my skill and ability, without partiality or prejudice."

Members thereof to take an oath of office.

Shares of stock, how voted in all elections—on the part of the state and individuals.

Sec. 17. *Be it further enacted*, That the number of votes to which each stockholder shall be entitled, according to the number of shares he shall hold, free from all arrears or calls unpaid, shall be in proportion as follows: for every share under five, one vote, for every two shares over five, and not exceeding ten, one vote, and for every three shares over ten, one vote; and the Governor, as the representative of the interest of the state, and the county court of Shelby, as the representatives of the interest of said county, may by written authority constitute a proxy to vote for them, or either of them in said elections, in every successive year: *Provided*, That said board shall have the right to fill any vacancy occurring therein, by a vote of the majority of said board.

Vacancies may be filled by the board.

Who authorised to subscribe for stock.

Sec. 18. *Be it further enacted*, That said board shall be, and they are hereby authorised to receive subscriptions for stock for said road, from all persons of lawful age, and from corporations, and also from the county court of Shelby, upon such terms and conditions as they may think proper, dividing the same into shares of one hundred dollars each: *Provided*, That the whole amount of stock including the amount heretofore subscribed for by the Governor of this Commonwealth, by the county court of Shelby, and by individuals, shall not exceed one hundred thousand dollars. And if any stockholder or stockholders shall neglect or refuse to pay his proportion of stock for the space of three

Penalty for withholding or refusing to pay the calls on the stockholders.

ty days, after the time appointed by said board for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of one per cent per month, for every delay of such payment; and if he shall delay to pay the amount of such call, and the penalty aforesaid, for the space of six months after the time such payment is required, he or they shall forfeit said share or shares to the corporation, and the amount that shall have been paid thereon; and the said board shall sell the said share or shares at public sale, having advertised the same for ten days: *Provided*, The same will bring the amount due on said share or shares: *And provided further*, That instead of forfeiting the share or shares of any such delinquent stockholder, the said board may institute suit in any court of competent jurisdiction in the name of said corporation, to recover the sum due and unpaid on said share or shares, together with the aforesaid penalty of one per cent per month.

1834.

Forsuch failure the shares may be forfeited and the payments made thereon, and sold.

Or suit may be instituted for the recovery of such calls or instalments.

Sec. 19. *Be it further enacted*, That the said board shall when required, deliver a certificate to each stockholder, signed by their chairman, and countersigned by their treasurer for such share or shares by him subscribed and held, which certificate shall be transferable on the books of said corporation, in person or by attorney; but no share or shares shall be transferred until all arrearages are paid thereon: *Provided*, That said board may permit any stockholder to surrender any share or shares subscribed for by him, for the purpose of being subscribed for, and taken by other persons. The original certificate of the share or shares transferred as aforesaid, shall be surrendered and a new certificate shall issue to the purchaser, who shall be entitled to all the privileges and benefits that the original owner was entitled to.

Certificates for shares of stock to be issued.

May be transferred.

Proviso.

Sec. 20. *Be it further enacted*, That if it shall appear at the end of one year after the said road has been completed, that the clear income and profits will not yield a dividend of six per centum per annum, on the capital stock expended in the construction of said road; then it shall, and may be lawful for the said board to increase the toll herein before allowed, so much on each and every allowance thereof, as will raise the dividend up to six per centum per annum; and if it shall at any time appear from the books or reports of said board, that the said income or profits from the tolls or rates so increased, will yield a divi-

The tolls may be increased so as to produce a dividend of six percent per an.

1834.

Or reduced, &c.

Penalty for
destroying or
defacing the
mile posts and
printed rates of
toll.

How recovered
and applied.

Wheel car-
riages in passing
to keep to the
right hand side.

Penalty for a
failure to do so.

When said road
is completed no
collateral road
to be opened
within one
mile thereof,
passing to the
same places.

Proviso.

Penalty on the
gate keepers for
demanding or
receiving a
greater rate of
toll than is al-
lowed by law.
How recovered.

dend exceeding six per centum per annum, then the said tolls shall be reduced to the rates or tolls specified in the 12th section of this act.

Sec. 21. *Be it further enacted*, That if any person shall wilfully break, deface, pull down, or remove any mile post or stone, placed in pursuance of this act, on the side of said road, or shall obliterate or deface the figures thereon, or shall wilfully break, pull down, destroy or injure any direction post; or the index hand affixed thereto, in conformity with the requirements of this act; or shall wilfully deface, destroy or remove any printed lists of the rates of toll affixed at said gates, in pursuance of the directions of this act, he or she so offending, shall forfeit and pay to said board, the sum of twenty dollars, to be recovered before any justice of the peace for Shelby county, as other debts of equal amount are recoverable.

Sec. 22. *Be it further enacted*, That all wheel carriages using said road, shall, in passing other wheel carriages, keep to the right hand side, leaving half the road free and clear for wheel carriages to pass and repass, except when overtaking or passing a carriage of slower draught; and every carter, wagoner, or drover offending against this provision, if the owner of the team, if not the owner thereof, shall pay to any person suing for the same, the sum of five dollars, and also all damages any person may sustain, recoverable before any justice of the peace of this commonwealth, or other court of competent jurisdiction.

Sec. 23. *Be it further enacted*, That after said turnpike road shall be opened, it shall not be lawful for the county court or any other body corporate or politic whatever, to open or cause to be opened any collateral public road or roads running from, and to the same place, within one mile of said turnpike road; and all and every such road now made, shall be discontinued so soon as said turnpike road shall be opened: *Provided, however*, That nothing in this act shall be so construed as to prevent the county court of Shelby, from opening a road or roads, leading from said turnpike road to other points or places in the county.

Sec. 24. *Be it further enacted*, That if any toll-gatherer or gate keeper shall demand or receive from any person or persons using said road, any greater toll than is allowed and authorised by this act, such toll-gatherer or gate keeper, shall forfeit and pay for every such offence, the sum of five dollars, recoverable by any per-

son who shall sue for the same before any justice of the peace, as other debts of like amount are recovered: *Provided*, That no such suit shall be maintained or prosecuted, unless within six months after the offence was committed.

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Proviso.

Sec. 25. *And be it further enacted*, That said board shall have full power and authority to sue and recover damages from any person or persons who shall in any way damage or injure said road, by tearing up the stone, or turning water, so as to wash away any part thereof, or who shall injure the road, structures or property of said board, in any other manner whatever.

The board may sue for and recover damages for any injury done to the road

Sec. 26. *Be it further enacted*, That it shall not be lawful for any person to lock the wheel or wheels of any wagon on the artificial part of said road, when the same does not exceed three degrees of elevation, or for any person to drag logs or timber on the same, or for any person to obstruct said road, by placing on it timber, stone, or earth, or in any other manner whatever; and any person offending in any of the above particulars, shall forfeit and pay to said board, the sum of five dollars for each and every offence, recoverable before any justice of the peace, as other debts of like magnitude.

Wagon wheels not to be locked in travelling thereon, or logs of timber dragged thereon, &c.

Sec. 27. *Be it further enacted*, That all the provisions of the foregoing act, shall apply to the board of internal improvements for Franklin county, except that instead of making the road in Franklin county at a graduation of five degrees, it shall not exceed three degrees, except in descending the river hill to South Frankfort, which shall be so graded, that the elevation shall not exceed four degrees. And the said board of internal improvement for Franklin, are hereby vested with all the power, authority, rights and privileges, tolls and emoluments, that the board of internal improvements for Shelby county are vested with by this act, and under the like limitations and restrictions; and all the officers of Franklin county are hereby required to perform the duties which are required by this act, to be performed by the officers of Shelby county.

The provisions of this act to apply to the board of internal improvement for Franklin county. Exceptions.

(Approved February 8, 1834.)

1834.

CHAP. 354.—AN ACT to appoint Trustees for the town of Williamstown, and for other purposes.

Trustees appointed to continue in office until September 1834.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Esau Boyers, John James, Henry Hall, William Arnold and Burnet H. Evans, be, and they are hereby appointed trustees of the town of Williamstown, and shall continue in office until the first Monday of September, one thousand eight hundred and thirty-four, and at the expiration of that time, and on the first Monday in September in every year thereafter, it shall be lawful for the qualified citizens of said town, to elect five trustees for said town, who shall be citizens thereof, the clerk of said board of trustees, giving five day's notice of the time and place of such election.

5 trustees for said town to be thereafter elected annually.

Trustees to take an oath of office

Sec. 2. *Be it further enacted*, That the above named trustees and their successors in office, before entering on the duties thereof, shall take an oath, before some justice of the peace, faithfully to perform the duties of said office; and shall, before proceeding to business, elect one of their number to act as President, and shall also elect some well qualified person to act as clerk to said board, who, after being duly qualified, shall remain in office until his successor shall be elected; and the duty of said clerk shall be to keep a transcript of the proceedings of said board, and such other duties as may from time to time be assigned to him by the board of trustees.

To elect a president & clerk.

Duty of the clerk.

Trustees authorised to enact by-laws, impose fines, &c.

Sec. 3. *Be it further enacted*, That the aforesaid trustees, and their successors in office, shall have full power and authority to adopt any rules and regulations, consistent with the constitution and laws of this state, which may be necessary for the government of said town; and shall be authorised to collect any fine not exceeding twenty dollars, for any breach of their by-laws: *Provided*, A copy of said by-laws be set up at some public place for five days, which fine shall be recovered in the name of the Commonwealth, for the benefit of said trustees, by warrant before any justice of the peace of Grant county; and shall be applied for the benefit of said town.

Proviso.

Fines how collected and applied.

To levy and collect taxes.

Sec. 4. *Be it further enacted*, That the said trustees shall have power to raise a tax on property and persons, not exceeding one dollar on each tythe, nor more than fifty cents on each hundred dollars worth of real estate, and negroes, in said town, to be collected as other taxes in this Commonwealth.

Sec. 5. *Be it further enacted,* That said trustees shall annually appoint some person, not of their own body, to be Treasurer of said town, who, before entering on the duties of his office, shall enter into good and sufficient bond for the faithful discharge of his duty, and who shall make a monthly report to the board of trustees, of all moneys received and paid out by him, during the preceding month, and said treasurer shall not pay out any moneys, except by order from the President of the board for the time being; and said trustees shall also appoint such officers as may be requisite to obtain a fair assessment of the value of town property and negroes, and to collect the taxes on the same, who shall be required to give bond and security, for the faithful discharge of their duties; and said trustees may allow such compensation to the different persons appointed by them, to the various offices herein enumerated, as shall be deemed reasonable and proper.

1834.

To appoint a Treasurer who is to give bond and security.

His duty.

Also, an assessor of property, who is to give bond, &c.

Sec. 6. *Be it further enacted,* That the trustees shall have power to remove nuisances and impediments in the town; and for that purpose, may fine any person who thus impedes the streets, by erecting any nuisance or obstruction, any sum not exceeding ten dollars; which fines may be collected as fines for breach of their by-laws; and said trustees shall have power by ordinance or by-law, to designate what shall be a nuisance in said town, and which ordinance or by-law, the justice of the peace, who, under this act, tries any warrant, shall observe and give judgment accordingly.

Power of the trustees to remove nuisances and obstructions in the streets.

Sec. 7. *Be it further enacted,* That should the election of trustees not take place on the day fixed by this act, the board shall not for that cause be dissolved, but another day shall be appointed for the election, and the incumbents shall remain in office until their successors are elected; and the trustees may adopt such by-laws, regulating the election of trustees, as are not incompatible with this act, or the constitution and laws of this state.

Elections for trustees may be held on a different day than the one named in this act, &c.

Sec. 8. *Be it further enacted,* That the trustees shall have power to levy and collect by distress or otherwise, such tax as they may deem reasonable, of any person or persons who may exhibit shows of any description, wild animals, circus, &c. &c. within said town, or within one half mile of the incorporated limits of said town, any law to the contrary notwithstanding;

Trustees may tax shows and exhibitions.

1834.

May appoint a town Marshal and other officers.

Sec. 9. *Be it further enacted*, That said trustees shall have power to appoint a town Marshal, and such other officers as may by them be deemed necessary to carry the laws into effect; and for the well government of said town, and shall allow him or them reasonable compensation for their services.

All moneys received, to be applied to the use of the town.

Sec. 10. *Be it further enacted*, That all moneys collected and received by the trustees of said town, or their officers, shall be applied for the improvement of said town, first deducting the necessary current expenses of said trustees and officers; and said trustees shall semi-annually in each year, publish and post up in at least two public places in said town, a true and faithful report of their receipts and expenditures, for the six months preceding the time of publication.

A semi-annual account of receipts and disbursements to be published.

An additional tax may be imposed for paving the streets and side walks.

Sec. 11. *Be it further enacted*, That said trustees shall have power to levy an additional tax, and enforce the payment thereof, on the real estate of said town, for the exclusive purpose of paving the side walks and middle of the streets in said town: *Provided*, That said tax shall not be levied without two thirds of the property holders living on the street proposed to be improved, shall agree thereto.

Proviso.

Repealing clause.

Sec. 12. *Be it further enacted*, That all acts or parts of acts coming in purview of this act, shall be, and the same is hereby repealed.

(Approved February 8, 1834.)

CHAP. 355.—AN ACT authorising the guardian of the heirs of Corbin Dorsey, deceased, to sell a negro woman.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that a certain negro woman, the property of Corbin Dorsey, deceased, has run off, and left this state, and that it is probable she is now in the city of New-Orleans, or some where in the state of Louisiana, and is therefore useless to the heirs of said Dorsey aforesaid: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the guardian of the said heirs, to sell the said negro, for the best price she will bring, and to apply the proceeds of said sale in such manner, as will be most conducive to the interests of said heirs.

(Approved February 8, 1834.)

CHAP. 356.—AN ACT for the benefit of Charles F. Wing and Barnett Eades.

1834.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Register of the land office shall be, and he is hereby authorised to receive and register a certificate copy of a platt and certificate, for two hundred acres of land, in the county of Muhlenberg, dated November 7th, 1799, and founded upon a certificate issued by commissioners, No. 3689, which certificate and survey is in the name of Lewis Rino, the original of which is allegeded to have been lost; and the filing and registering the copy thereof as aforesaid, shall have the same effect as the now filing of the original, and the same steps shall be taken and the same requirements of law shall be fulfilled, in order to authorise the grant to issue, as though the original platt and certificate had been filed and registered.

The Register authorised to issue patents to the petitioners on copies of certain plats & certificates of surveys, upon certain conditions.

Sec. 2. *Be it further enacted*, That it shall, and may be lawful for the Register of the land office, upon being satisfied by proof taken, and filed in his office, that Charles F. Wing was, and is the *bona fide*, and last assignee of the said original platt and certificate, to issue to him at the proper time, and upon the conditions imposed by law, a patent in his name, for the said two hundred acres of land.

Sec. 3. *Be it further enacted*, That the Register of the land office be, and he is hereby authorised to receive and register a certified copy of a platt and certificate, for four hundred acres of land, in the county of Muhlenberg, founded on a certificate issued by commissioners, No. 479, which certificate and survey is in the name of Peter Jones, the original of which is allegeded to have been lost; and the filing and registering the copy thereof as aforesaid, shall have the same effect as the now filing of the original; and the same steps shall be taken, and the same requirements of the law shall be fulfilled, in order to authorise the grant to issue, as though the original platt and certificate had been filed and registered.

Sec. 4. *Be it further enacted*, That it shall and may be lawful for the Register of the land office, upon being satisfied by proof taken, and filed in his office, that Barnett Eades was, and is the *bona fide*, and last assignee of said original platt and certificate, to issue to him at the proper time, and upon the condi-

1834. tions imposed by law, a patent in his name, for the said four hundred acres of land.

(Approved February 8, 1834.)

CHAP. 357.—AN ACT to change the name of Alonzo P. Buck.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the name of Alonzo P. Buck, of Caldwell county, be, and the same is hereby changed to the name of Jozef Freon, and by that name he shall be hereafter called, styled, and known.

[Approved February 8, 1834.]

CHAP. 358.—AN ACT giving further time to Sheriffs in this Commonwealth to file their delinquent lists.

Time allowed
all 1st June, to
the sheriffs to
return their de-
linquent lists.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriffs of this commonwealth be, and they are hereby allowed further time, until the first day of June next, to return to the auditor of public accounts their delinquent lists, for the year 1833; which, when returned as aforesaid, the auditor shall allow by giving a credit, or issuing a warrant on the public treasury therefor.

[Approved February 8, 1834.]

CHAP. 359.—AN ACT to increase the number of Justices of the Peace in the County of Pulaski.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county of Pulaski shall be entitled to two additional justices of the peace.

[Approved February 10, 1834.]

CHAP. 360.—AN ACT authorising the Assistant Secretary of State to sign Patents.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for William W. Bacon, assistant secretary of state, to sign the name of his excellency, the Governor, to any,

and all grants of land made out by the register of the land office, or which may be made out by him, during the present illness of the Governor; and that, when so signed, they shall be as valid in law, to all intents and purposes, as if signed by the Governor in proper person.

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[Approved February 10, 1834.]

CHAP. 361.—AN ACT to incorporate the Union School for Cumberland County, Kentucky.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William Wood, Jesse Noland, Allan Bröck, Jesse Smith, and Otey T. Ragland, be, and they are hereby appointed and constituted a body corporate, to be known and designated by the name and style of the Trustees of the Union School in the County of Cumberland, with power to supply, by the election of others, any vacancy which may occur by death, resignation, or removal, so as to keep up a perpetual succession, and by their corporate name as aforesaid, to sue and be sued. Trustees incorporated.

Sec. 2. *Be it further enacted*, That it shall and may be lawful for the said trustees and their successors in office, and they are hereby invested with full power and authority, in their corporate capacity, to receive title to five and one-eighth acres of land, donated by Ambrose S. Bramlette, Thomas Wood, and Jacob Billingsleg, for the use of a school, on which the school house now stands; and to hold the same to themselves and their successors in office, for the use, benefit, and purpose of said school; and to make and ordain by-laws for the government of said school, not inconsistent with the constitution and laws of this commonwealth: and the trustees of the aforesaid school shall appoint a clerk, whose duty it shall be to keep a regular record of all their proceedings. Their powers.

[Approved February 10, 1834.]

CHAP. 362.—AN ACT to establish Election Precincts in Green and Mercer Counties.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of Green Green precinct,

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county south of Green river, shall constitute an election precinct, and be known by the name of the Brewersburg precinct; and the qualified voters in said precinct shall vote in all legal elections at Brewersburg, at the house formerly occupied by Pleasant Sandridge, Esq. *Provided*, it shall be lawful for any of the voters residing within said precinct to vote at the court-house, or any of the other places of voting in said county; or any of the voters of said county of Green may vote in like manner at the precinct hereby established.

Judges, &c. to
be appointed.

SEC. 2. *Be it further enacted*, That the county court of Green county, at the time of appointing judges and clerk of elections at the court house, shall also appoint judges and clerk to take the votes in said precinct; and the sheriff, or his deputy in said county, shall attend at the place herein appointed for holding elections in said precinct, and conduct the same.

Polls to be
compared.

SEC. 3. *Be it further enacted*, That the sheriff of Green shall, on the Saturday succeeding any election as aforesaid, by himself or deputy, cause the votes taken at Campbellsville, the Furnace precinct, and the precinct hereby established, to be carefully compared, and make return according to law.

Mercer precinct

SEC. 4. *Be it further enacted*, That an election precinct in the county of Mercer, in the west part of said county, on Thompson's creek, is hereby established; the place of voting in which shall be at the house of Caleb Sims: and the county court of Mercer shall, at the time required by law for appointing judges and clerks of elections, also appoint judges and a clerk to conduct the election in the precinct hereby established.

Judges to be
appointed.

Sheriff to con-
duct elections
and compare
polls.

SEC. 5. *Be it further enacted*, That the sheriff of Mercer county shall, by himself or deputy, attend the elections at said precinct, and conduct the same according to law; and shall, by himself or deputy, as aforesaid, on the Saturday succeeding any election in said county, cause the votes, taken in said precinct on Thompson's creek, to be carefully compared, according to law.

SEC. 6. *Be it further enacted*, That it shall be lawful for any of the qualified voters of said county of Mercer to vote at the precinct established in the fourth section of this act, under the restrictions now imposed by law.

[Approved February 10, 1834.]

CHAP. 363.—AN ACT to extend the powers of the Trustees of the Town of Washington, in the County of Mason.

1834.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the first day of March next, the board of trustees of the town of Washington, in the county of Mason, shall have power and authority to grant licenses to keep taverns, groceries, coffee-houses, and all such other houses of public entertainment, at which it is proposed to sell liquors of any kind in said town, and make such by-laws and regulations, as they may deem necessary, to prevent the sale of liquors in said town to slaves, and prevent free persons from supplying slaves with intoxicating liquors: *Provided*, That no license to keep a tavern, or sell liquors, shall be issued by authority of said board of trustees, unless the person to whom the same may be granted, shall produce the receipt of the clerk of the Mason county court for the amount of money at which such license be fixed and rated by the by-laws or regulations of said board of trustees.

Trustees authorised to grant tavern licenses.

Proviso.

Sec. 2. *Be it further enacted*, That said board of trustees shall not grant any license, by virtue of this act, at a less rate than that established by law for tavern license; and all money paid to the clerk of said county court, under the provisions of this act, shall be accounted for by him, and paid into the treasury of the commonwealth, in the same manner in which he is required by law to account for and pay other taxes collected by him.

Tax on licenses to be paid into the treasury.

Sec. 3. *Be it further enacted*, That any person who may obtain a license from said board of trustees, shall be subject to indictment or presentment, tried and punished, in the Mason circuit court, for keeping a tippling house, or for permitting unlawful gaming in his or her house, as if this act had not passed. And from and after the first day of March next, the county court of Mason shall not have power to grant license to any person to keep a tavern within the boundaries of said town of Washington.

Tavern keepers may be punished for keeping disorderly houses.

Jurisdiction of county courts taken away.

(Approved February 10, 1834.)

CHAP. 364.—AN ACT to appropriate some of the vacant lands of this State to the improvement of the Public Highways thereof.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the

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Land warrants
to be issued to
the county
courts of Barren,
Hart, Ohio,
Daviess, Breck-
enridge, Green
and Hancock
counties.

Courts to ap-
point commis-
sioners to locate
them.

Proceeds of s'd
lands, how ap-
plied.

A majority of
justices to be
present when
commissioners
are appointed.

Patents to issue
without fee.

Land not to be
sold for less
than \$5 per
100 acres.

land office be, and he is hereby directed and required to issue, without charge, to the county courts of Barren, Hart, Ohio, Daviess, Breckenridge, and Hancock counties, land warrants for six thousand acres to each of the county courts in said counties, and to the county court of Green county a warrant for ten thousand acres; which warrants may be located on any vacant and unappropriated land of said counties, and the county courts of said counties shall respectively appoint a commissioner or commissioners to locate said warrants, or to sell and dispose of them or any of them as they shall deem best; and such commissioner or commissioners, before entering on the duties required by this act, shall execute a bond to the court by whom they are appointed, faithfully to discharge the duties required by said court and this act; and faithfully to pay over the proceeds of said warrants, as required and directed by the county courts, in the penalty of one thousand dollars.

Sec. 2. *Be it further enacted*, That the said county courts shall apply the proceeds of the sale of such warrants, or the lands appropriated by such warrants, to the improvement of such roads, in their respective counties, as they shall think most proper to be improved.

Sec. 3. *Be it further enacted*, That it shall require a majority of the justices of the peace in the said counties, to be present in making the appointment of commissioners under this act, or in making an appropriation of said warrants, or the proceed of said land. And the register is hereby directed to issue patents on the several surveys made under said warrants, free from costs or charges.

Sec. 4. *And be it further enacted*, That the said county courts, or the commissioners appointed by them to carry the provisions of this act into effect, shall not sell or dispose of any of the said land or warrants appropriated by this act, at a less price than five dollars for one hundred acres; and that each and every patent, which may issue under authority of this act, and which may include any land heretofore appropriated or surveyed by authority of law, shall be absolutely void to all intents and purposes.

[Approved February 10, 1834.]

CHAP. 365.—AN ACT to establish the Town of Feliciana, in Graves County.

1834.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the town of Feliciana, in the county of Graves, be, and the same is hereby established upon the plan which has been formed and laid down by the citizens and original proprietors of said town, and the same plan is hereby ratified and confirmed.

The town established as originally laid off.

Sec. 2. *Be it further enacted,* That the free male inhabitants of said town of the age of twenty-one years and upwards, shall meet at the house of Levi Calvert, on Washington street in said town, on the first Monday in May, and the said citizens shall meet annually on the first Monday in May, and elect by vote, viva voce, five fit persons for trustees of said town, to serve for one year, and until their successors be duly elected: and their successors in office, and the said officers, shall have power to enact such by-laws as they may, in their discretion, deem most expedient to preserve the peace and harmony of said citizens.

The citizens to elect trustees for said town annually.

Their powers.

(Approved February 11, 1834.)

CHAP. 366.—AN ACT for the benefit of the Heirs of John Gray, deceased.

Whereas, it is represented to this General Assembly, that many of the lots in the town of Elkton, of which John Gray, deceased, was the original proprietor, have not been sold by the trustees thereof, pursuant to the act, entitled, "an act to establish and regulate the town of Elkton, in the county of Todd, approved December 9, 1820," and that the heirs at law of said John Gray desire to be invested with the title of said unsold lots, in such plight as they would have held them by descent from the said John Gray, in case said act had not passed:

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That said trustees be, and they are hereby authorised and required to convey, by deed, to said heirs at law of said John Gray, deceased, all the title of said trustees in said unsold lots, as derived to them from said John Gray, in and by virtue of said act; and said heirs shall hold in said unsold

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1834. lots, by reason of said deed, such interest as they would have held therein, in case said John Gray had died seized of the same title in said unsold lots, as he held at the time of the passage of said recited act.

(Approved February 11, 1834.)

CHAP. 367.—AN ACT to authorise the taking of Depositions in a summary way to perpetuate Testimony.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in all cases where a party is liable to be sued in his own right, or in right of another, and in cases where a party may have a cause of action, in his own right, or in the right of any other person, but by the existing laws suit cannot be commenced, or by the nature of the contract the cause of action upon the same has not accrued, it shall and may be lawful for such party, his agent, or attorney, to file an affidavit with the clerk of the circuit court of the county in which he resides, stating the nature of the cause of action, and the name or names of the parties connected therewith, and the facts he believes he can prove by the witness or witnesses whose testimony he wishes to perpetuate, and the name of the witness or witnesses: and thereupon the clerk shall issue a dedimus, directed to any justice of the peace of the county where the witnesses may reside, to take and certify the depositions of such witnesses; and it shall be the duty of the said justice to return, sealed, to the clerk's office, with the dedimus, the depositions so taken by him: and it shall be the duty of the clerk to file and safely keep said depositions, as part of the papers of his office; which depositions, so taken and certified, shall be legal evidence between the parties named, their representatives, or assignees, in any future controversy which may arise upon the subject matters embraced in said affidavit and depositions, before any court or other tribunal having jurisdiction of the same: *Provided,* That reasonable notice, in writing, of the time and place of taking said depositions, shall have been given to the person to be affected by the same: *And provided, also,* That the deponents shall have departed this life, or removed beyond the jurisdiction of this commonwealth, or be unable, from sickness, old age, or infirmity, to attend the time and place of trial.

(Approved February 11, 1834.)

Cases in which depositions to perpetuate testimony, may be taken.

The party to make an affidavit, &c.

The clerk to issue a dedimus to take depositions.

To be returned to the clerk's office and filed away.

Notice to be given of the time and place of taking depositions.

Proviso.

CHAP. 368.—AN ACT to establish a State Road from the Town of Owenborough, on the Ohio River, by the way of the mouth of Rough Creek and Greenville, to Hopkinsville.

1834.

Whereas, it is represented to the present General Assembly, that a much nearer and better way can be had for a road from Owenborough to Greenville and Hopkinsville, than the one at present used: Therefore,

Recital.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Warner Crow, or Lewis Riley, of the county of Daviess, James Jones, or George Brown, of the county of Ohio, Jesse Everly, or John W. J. Godman, of the county of Muhlenberg, and John Thompson, or James Robertson, of the county of Christian, are hereby appointed commissioners; who, or a majority of them, after being first duly sworn before some justice of the peace, shall proceed to examine the present road, and view a way for the proposed road; and if they shall be of opinion that it would be advisable to establish the contemplated road, they shall view and mark a way for said road, the nearest and most practicable route between the following points, to wit: Beginning at Owenborough, on the Ohio river, thence the nearest way to the mouth of Rough creek, thence the nearest and best way to Greenville, and thence the nearest and best way to Hopkinsville: and the said commissioners, so soon as they have completed the reviewing and marking the same, shall make report of their proceedings to the court of their respective counties.

Commissioners appointed to view and mark the proposed route.

Points of beginning and termination, &c.

To report to their respective county courts.

SEC. 2. *Be it further enacted*, That it shall be the duty of the county courts of Daviess, Ohio, Muhlenberg, and Christian, immediately upon the reports of said commissioners, to make an order for clearing out said road thirty feet wide; clear of timber in all practicable places: and said courts shall appoint a surveyor or surveyors in their counties respectively, and allot a sufficient number of hands to each surveyor to clear the same out, and the boundary from where they are to be drawn; copies of which orders shall be given to each surveyor or appointed within fifteen days after making the same, by the sheriffs of said counties.

The several county courts thereupon to appoint surveyors and allot hands for clearing out the road

SEC. 3. *Be it further enacted*, That each and every person who shall fail or refuse to do his duty (without a lawful excuse) in clearing out said road, after being duly notified, shall be subject to a fine of one dollar

Penalty on hands for failing to work on the road, when duly notified.

1834. and twenty-five cents for each day he may so fail or refuse, recoverable as other road fines are.

Land may be condemned for said road, if the owner objects to its passage over his land.

Mode of proceeding therein.

Damages, how to be paid.

Allowance to the commissioners, and how paid.

SEC. 4. *Be it further enacted*, That if any person, through whose land the said road shall be reviewed, shall object to the opening the same, the sheriffs of the county in which the land may lie shall be directed by the county court (in the manner pointed out in the general law for condemning ground for roads) to ascertain the damages that may arise from opening said road; which, together with the sheriffs fees, shall be paid out of the next county levy of the county in which said land may lie—which claim shall be allowed by the county court.

SEC. 5. *Be it further enacted*, That each commissioner shall be entitled to receive one dollar out of the next county levy of the county in which he may reside, for each day he may be necessarily employed in the aforesaid reviewing, by his returning a certified account of the time aforesaid to the court of claims: *Provided, however*, That the commissioners first above named, in each of the aforesaid counties, shall discharge the duties by this act imposed, unless prevented by sickness, or other unavoidable cause; in which event, the other commissioners appointed for said county, shall discharge the duties above required.

(Approved February 11, 1834.)

CHAP. 369.—AN ACT to appoint Trustees to the Union School in Caldwell County, to make them a corporate body, and for other purposes.

Recital.

Whereas, it is represented, that certain persons are willing and desirous to donate, for the use of a school in the county of Caldwell, a certain tract of land, and the persons concerned are desirous that the Legislature should grant an act of incorporation, so that the property acquired may be applied to the purposes intended by the donors: Therefore,

The names of the trustees and—incorporated.

The powers granted them.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Miller, John Barnett, James Blue, Stephen Grove, and Alexander Adamson, and their successors in office, shall be, and they are hereby constituted a body of trustees for said school, with full power and authority to have, receive, take, and enjoy property, real and personal, to be by

1834.

them forever used for the purposes of education, with full power to erect suitable buildings, and to purchase books and other necessary articles to promote the interest of said school; to employ teachers and all necessary agents, and the same to remove or dismiss at pleasure; and to receive and take, by deed, or otherwise, all such lands, or other things, which they may purchase, or which may be donated to them, and to do and perform all such necessary acts as the interest of said school may require to be done: and by the name and style of the Trustees of the Union School, may sue and be sued, defend and be defended, in all the courts, and transact all their business, using a common seal, or the individual seals of the trustees; and all their official acts shall be good and valid to all intents and purposes.

Sec. 2. *Be it further enacted*, That when either or any of the trustees herein named, shall die, resign, or remove from the county, their vacancy shall be supplied by an election of the trustees for the time being.

Vacancies in the board, how filled.

Sec. 3. *Be it further enacted*, That at no time shall the estate to be acquired by the trustees of the Caldwell school, exceed in annual value the sum of five thousand dollars.

Limited in their estate.

Sec. 4. *Be it further enacted*, That the board of trustees of the Princeton Seminary shall hereafter consist of not more than seven, a majority of whom shall constitute a quorum to do business, and that Preston B. McGoodwin, Francis W. Ewry, William McGowen, William Waddington, and John O'Hara, be, and they are hereby appointed trustees of said institution; who shall have power to appoint two more, if they shall deem it necessary, and shall meet at Princeton on the first Mondays in March and September, in each and every year, and as much oftener as they may think necessary, a majority of whom shall have power to transact all business relative to the interest and benefit of the institution, and the disposition of the funds thereof.

The board of trustees of the Princeton Seminary, to consist of seven.

Their powers.

(Approved February 11, 1834.)

CHAP. 370.—AN ACT to change the venue in the cases of Thomas and P. S. Outen.

Whereas, it is represented to the present General Assembly, that Thomas Outen and P. S. Outen, his

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Recital.

son, stand indicted and charged jointly in one indictment, and the said Thomas Outen separately in another, for stabbing, with intent to kill, one Courtney R. Lewis, in the circuit court of the county of Jessamine, and that they will not have an opportunity for a fair and impartial trial in the county of Jessamine, and have petitioned the Legislature for a change of venue in the cases before mentioned: Wherefore,

The defendants may elect to be tried in Scott or Woodford counties.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Thomas Outen and P. S. Outen shall have the right, upon the calling of the causes against them, upon the indictments aforesaid, at the next succeeding term of the Jessamine circuit court, to make their election either to be tried in the Jessamine circuit court, the Scott circuit court, or the Woodford circuit court; and upon their electing to be tried in the Scott circuit court, or in the circuit court of Woodford, and the same being entered of record, it shall and may be lawful for the judge of the circuit court of Jessamine (and he is hereby required so to do) to take the recognizances of the said Thomas and P. S. Outen, in the same penalties in which they now stand bound to appear before the judge of the Jessamine circuit, with competent securities, conditioned for their appearance and attendance at the next succeeding term of the Scott or Woodford circuit court, according to the election which they shall have before made, upon the first day thereof, to answer the charges contained in the indictments aforesaid, and to abide the orders and decisions of the court, so elected, upon said indictments. And if the said Outens shall not enter into the recognizances before required by this act, with security and condition as aforesaid, then, and in that case, the judge of the Jessamine circuit court shall place them in the custody of the sheriff of Jessamine county, who shall forthwith convey said Thomas and P. S. Outen, under a sufficient guard, to the jail of the county of Scott or Woodford, as they may have elected under the authority of the foregoing provisions of this act, there by the jailor to be safely kept until discharged by due course of law. And the clerk of the Jessamine circuit court shall, when the said Outens enter into the recognizances, in manner and form as before prescribed by this act, or when the said Outens shall be placed in the custody of the sheriff of Jessamine as before mentioned, transmit to the clerk of the Scott or Woodford circuit court, ac-

Their election to be entered of record.

In the event of such election being made, to be recognized for their appearance at the Scott or Woodford court.

And in the event of their failing to enter into a recognizance, to be committed to jail.

The clerk of Jessamine to transmit the papers, &c. to the clerk of the court to which the election is made.

ording to the election which shall have been before made by the said Outens, all the original papers filed in said causes, with true copies of all the records and proceedings had therein. And the judge of the Jessamine circuit court aforesaid is hereby directed to take the recognizances of the witnesses in behalf of the commonwealth, in a reasonable penalty, conditioned for their appearance and attendance at the next succeeding term of the Scott or Woodford circuit court, as before elected, upon the first day thereof, and until legally discharged by said court.

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Witnesses to be also recognized for their appearance.

SEC. 2. *Be it further enacted,* That if the said Thomas and P. S. Outen shall elect to be tried in the Scott or Woodford circuit court, then, and in that case, the court so elected shall have as full and ample power and jurisdiction over said causes as if the offences had been committed in the said county so elected, and shall hear and determine the same, under the same rules and regulations as are now prescribed by law for like offences, and the like power to compel the attendance of witnesses.

Jurisdiction conferred on the court to try them, pronounce judgment, &c.

SEC. 3. *Be it further enacted,* That if the papers and proceedings, by any accident or neglect, should not be sent to the clerk of the Scott or Woodford circuit court, as the same shall have been elected, the said Thomas and P. S. Outen shall take no advantage thereof; but new prosecutions may be commenced against them as though the offences had been committed in the said county elected, as before mentioned.

In the event of the papers not being transmitted, a new prosecution may be commenced.

SEC. 4. *Be it further enacted,* That when the clerk of the Jessamine circuit court shall make out copies of the records and proceedings had and made in said causes, in which he is directed to copy particularly the steps and orders taken in the same, he shall also make out a list of all the original papers, and certify the same under his hand, and also forward this document, with the original papers, to the clerk of the Scott or Woodford circuit court, whichever thereof shall have been elected by the said Outens as aforesaid, there to be filed with the papers of said prosecution.

Duty of the clerk of the Jessamine circuit court in regard to the transmission of the papers and copy of the record.

SEC. 5. *Be it further enacted,* That the election of the said Outens, as given in this act, shall not be made until they shall agree of record that they will abide by, and in all respects submit to, the provisions of this act, which agreement shall also be copied among the steps and orders.

The election not to be given until they agree of record to abide by the provisions of this act.

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If the indictments should be quashed as defective, a new grand jury to be summoned and other indictments found.

And the like proceedings had thereon as if the offence had been committed in Scott or Woodford.

The prisoners not to be discharged on account of any number of continuances.

Sec. 6. *Be it further enacted*, That should the Scott or Woodford circuit court, as may be elected as aforesaid, for any cause whatever, adjudge the indictments, or either of them, upon which the said Outens stand charged as aforesaid, to be defective, said court shall not, for that cause, discharge the said Outens, or either of them, but of custody, but shall direct a grand jury forthwith to be empannelled, and shall charge the said grand jury specially to inquire into said offence or offences for which the said Outens or either of them may have been charged in the indictment or indictments in the circuit court of Jessamine; and if the grand jury, so empannelled, shall find a true bill or bills against the said Outens or either of them, upon any indictment or indictments preferred against him or them, the said Scott or Woodford circuit court, as may have been elected, shall in all respects proceed to the trial, and, upon conviction, to the judgment, in the same manner as though the offence or offences, of which they or either of them may be found guilty, had been committed in the county elected as aforesaid; and in every other respect the circuit court thereof shall adapt the proceedings so as to secure a fair and impartial trial of the said Outens, and shall carry its orders and its judgments into execution, in the same manner as though the offence or offences had been committed in the said county so elected.

Sec. 7. *Be it further enacted*, That neither said Thomas nor P. S. Outen shall take any advantage, or be discharged from the indictments aforesaid, on account of any number of continuances granted in the said Scott or Woodford circuit court, as may have been elected, either on their own application, or that of the commonwealth, because of the absence of witnesses, or for other good cause.

(Approved February 11, 1834.)

CHAP. 371.—AN ACT to incorporate the Blue Spring Seminary, in Barren County.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a seminary of learning be, and the same is hereby established in Barren county, in the Blue Spring Grove, to be called and known by the name of the "Blue Spring Seminary;"

Trustees appointed.

and that Drury Roberts, Burwell Lawless, James Jameson, Elias Smith, William W. Burks, and James G. Hardy, be, and they are hereby constituted a body politic and corporate, to be known by the name and style of the "Trustees of the Blue Spring Seminary;" and by that name shall have perpetual succession, and a common seal.

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Sec. 2. *Be it further enacted*, That upon the death, resignation, or removal of any of said trustees or their successors, a majority of the remaining trustees shall have power to fill any such vacancy or vacancies; and the person or persons so appointed, shall possess the same powers and privileges as if named in this act; and by the name and style of the "Trustees of the Blue Spring Seminary," may sue and be sued, plead and be impleaded, in any court of law or equity. Vacancies, how filled.

Sec. 3. *Be it further enacted*, That the said trustees, and their successors, shall have power, and they are hereby authorised to purchase and receive the conveyance to a lot of ground in said Blue Spring Grove, upon which to erect said seminary, and to receive donations of money, lands, or other property, for the use and benefit of said seminary. May hold property.

Sec. 4. *Be it further enacted*, That it shall be the duty of said trustees to assemble at least once in three months, or oftener if they think proper, and make such examination into the progress of the students and management of the general concerns of the institution, as they may deem necessary. Meetings of Trustees.

Sec. 5. *Be it further enacted*, That a majority of the said trustees shall form a quorum to do business; that they shall have power, from time to time, to select a teacher or teachers, and to make and enact such rules and by-laws, for the government of said institution, as they may deem expedient, not contrary to the laws of this commonwealth. The power to repeal, alter, or modify this act, is reserved to the General Assembly. May make by-laws. Power reserved to repeal this act.

(Approved February 11, 1834.)

CHAP. 372.—AN ACT to amend the act, entitled, "an act providing for the opening of a road from Taylorsville, in Spencer County, to Jeffersontown, in Jefferson County, and for other purposes: approved January 31, 1833."

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty The road to run thro' Spencer & Jefferson c'tys.

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If the indictments should be quashed as defective, a new grand jury to be summoned and other indictments found.

And the like proceedings had thereon as if the offence had been committed in Scott or Woodford.

The prisoners not to be discharged on account of any number of continuances.

Sec. 6. *Be it further enacted*, That should the Scott or Woodford circuit court, as may be elected as aforesaid, for any cause whatever, adjudge the indictments, or either of them, upon which the said Outens stand charged as aforesaid, to be defective, said court shall not, for that cause, discharge the said Outens, or either of them, but of custody, but shall direct a grand jury forthwith to be empannelled, and shall charge the said grand jury specially to inquire into said offence or offences for which the said Outens or either of them may have been charged in the indictment or indictments in the circuit court of Jessamine; and if the grand jury, so empannelled, shall find a true bill or bills against the said Outens or either of them, upon any indictment or indictments preferred against him or them, the said Scott or Woodford circuit court, as may have been elected, shall in all respects proceed to the trial, and, upon conviction, to the judgment, in the same manner as though the offence or offences, of which they or either of them may be found guilty, had been committed in the county elected as aforesaid; and in every other respect the circuit court thereof shall adapt the proceedings so as to secure a fair and impartial trial of the said Outens, and shall carry its orders and its judgments into execution, in the same manner as though the offence or offences had been committed in the said county so elected.

Sec. 7. *Be it further enacted*, That neither said Thomas nor P. S. Outen shall take any advantage, or be discharged from the indictments aforesaid, on account of any number of continuances granted in the said Scott or Woodford circuit court, as may have been elected, either on their own application, or that of the commonwealth, because of the absence of witnesses, or for other good cause.

(Approved February 11, 1834.)

CHAP. 371.—AN ACT to incorporate the Blue Spring Seminary, in Barren County.

Trustees appointed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a seminary of learning be, and the same is hereby established in Barren county, in the Blue Spring Grove, to be called and known by the name of the "Blue Spring Seminary;"

and that Drury Roberts, Burwell Lawless, James Jameson, Elias Smith, William W. Burks, and James G. Hardy, be, and they are hereby constituted a body politic and corporate, to be known by the name and style of the "Trustees of the Blue Spring Seminary;" and by that name shall have perpetual succession, and a common seal.

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Sec. 2. *Be it further enacted*, That upon the death, resignation, or removal of any of said trustees or their successors, a majority of the remaining trustees shall have power to fill any such vacancy or vacancies; and the person or persons so appointed, shall possess the same powers and privileges as if named in this act; and by the name and style of the "Trustees of the Blue Spring Seminary," may sue and be sued, plead and be impleaded, in any court of law or equity.

Vacancies, how filled.

Sec. 3. *Be it further enacted*, That the said trustees, and their successors, shall have power, and they are hereby authorised to purchase and receive the conveyance to a lot of ground in said Blue Spring Grove, upon which to erect said seminary, and to receive donations of money, lands, or other property, for the use and benefit of said seminary.

May hold property.

Sec. 4. *Be it further enacted*, That it shall be the duty of said trustees to assemble at least once in three months, or oftener if they think proper, and make such examination into the progress of the students and management of the general concerns of the institution, as they may deem necessary.

Meetings of Trustees.

Sec. 5. *Be it further enacted*, That a majority of the said trustees shall form a quorum to do business; that they shall have power, from time to time, to select a teacher or teachers, and to make and enact such rules and by-laws, for the government of said institution, as they may deem expedient, not contrary to the laws of this commonwealth. The power to repeal, alter, or modify this act, is reserved to the General Assembly.

May make by-laws.

Power reserved to repeal this act.

(Approved February 11, 1834.)

CHAP. 372.—AN ACT to amend the act, entitled, "an act providing for the opening of a road from Taylorsville, in Spencer County, to Jeffersontown, in Jefferson County, and for other purposes: approved January 31, 1833."

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty

The road to run thro' Spencer & Jefferson c'tys.

1834. of the commissioners appointed by the said recited act, in viewing and marking the said road, so to direct the course thereof, that the whole of said road shall be within the counties of Jefferson and Spencer.

How the road, when established, is to be altered.

Sec. 2. *Be it further enacted*, That after said road shall have been established and opened, it shall not be changed or altered by the order of either of the county courts of said counties, without the consent of the other: and when any person shall desire to change said road, he shall apply to the county courts of Jefferson and Spencer, who shall be authorised to appoint each, one commissioner, whose duty it shall be to go upon and view the said road, and the way proposed, and report the facts and their opinion in writing, upon oath, to the respective county courts; who, after hearing the same according to the provisions of the existing law, may, if in their opinion it shall be deemed proper, order the proposed change; but no alteration shall be made in said road, unless the county court of each county shall concur therein.

Another commissioner appointed.

Commissioners pay.

Sec. 3. *Be it further enacted*, That Newton Headly, of the county of Spenter, be, and he is hereby appointed a commissioner, in addition to the commissioners appointed by said act, who shall have the like powers, and be entitled to the like compensation of said commissioners. The commissioners appointed under the act to which this is an amendment, and also the commissioner appointed under this act, shall be entitled to receive one dollar and fifty cents per day, each, for each day they may be necessarily engaged in the discharge of the duties required of them by the aforesaid act.

(Approved February 11, 1834.)

CHAP. 373.—AN ACT to encourage the manufacture of Queensware.

Preamble.

Whereas, Jacob Lewis, sole proprietor of the Lewis Pottery, in the city of Louisville, has discovered in the counties of Hickman and McCracken, suitable clays for the manufacture of queensware, and has at great expense commenced the manufacture of queensware, and so far succeeded as to test the qualities of the clays, and to make it manifest that queensware of a superior quality can be manufactured in this state; and the said Lewis is not able to enter the lands including

the different qualities of clay, and to prosecute the manufacture of said ware, without encouragement: 1834.
Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for Jacob Lewis to select eight quarter-sections of land, in the counties of Hickman and McCracken, having the different qualities of clay required in the manufacture of queensware; and after making said selection, and after notifying the receiver of public moneys for the land district west of the Tennessee river, of the number of quarter-sections which the said Lewis is hereby authorised to select, or any part thereof, it shall not be lawful for the receiver aforesaid to permit any person or persons to enter the lands hereby authorised to be selected, until after the adjournment of the session of the ensuing Legislature: *Provided*, That said Lewis shall not select any quarter-section, or fractional quarter-section of land, which has been improved by any actual settler west of the Tennessee river.

May select vacant lands in Hickman and McCracken counties, which shall not be entered by others.

Proviso.

Sec. 2. *Be it further enacted*, That it shall and may be lawful for said Lewis to enter upon said lands, and take from the same any clays which may be necessary for the manufacture of queensware.

May take clays from the land selected.

(Approved February 11, 1834.)

CHAP. 374.—AN ACT for the benefit of the Jailor of Mercer County.

Whereas, it is represented to the present General Assembly, that owing to the insufficiency of the jail in Mercer county, it became necessary for the county court of said county, during the last year, to let the building of a new jail for said county, which will not be finished until some time during the next fall; and that the old jail has been torn down for the purpose of using the materials in the new jail, and that there is now no place of safety to confine persons who may be committed upon a charge of felony: Therefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the jailor of said county to apply to the county court of some adjoining county, in which there is a sufficient jail, for permission to use their said jail, for the confinement of persons charged with felony, until the jail is completed in Mercer county: and if

To procure the jail of some adjoining county, in which to confine persons charged with felony in Mercer county.

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such permission is obtained, it shall be the duty of said jailor to have the order aforesaid entered upon the records of the Mercer county court, with the order of the said court that the jail so procured may be used for the purpose aforesaid: and from and after that time, the jail which may be procured as aforesaid may be lawfully used by the jailor of Mercer county, for the confinement of persons charged with felony, as though the same had belonged to said county.

Prisoners to be removed to the jail procured, and there confined.

Sec. 2. *Be it further enacted*, That whenever any person or persons charged with felony shall be committed to the jailor of Mercer county, it shall be his duty to remove the person or persons so charged, to the jail of the county which may be procured as aforesaid, together with the original, or a copy of the mittimus, showing the cause of their confinement: and it shall be the duty of the jailor, to whose jail any person or persons charged as aforesaid is removed, to receive him, her, or them, and confine them in said jail, until discharged by due course of law: and the jailor in whose jail any person is confined, shall receive the same fees as are now allowed by law in similar cases.

Jailor's fee.

County court of Mercer to allow the jailor pay for his services.

Sec. 4. *Be it further enacted*, That it shall be lawful for the county court of Mercer, at their next court of assessment, to levy upon said county any sum that it may deem sufficient, as compensation for said jailor and his assistants, for conveying to and from such jail such persons as may be legally placed into his custody.

(Approved February 11, 1834.)

CHAP. 375.—AN ACT providing for a change of venue in the prosecution against Thomas W. Harris.

Preamble.

Whereas, it is represented to the present General Assembly, that Thomas W. Harris is confined in the jail of Fayette county upon a charge of homicide, and it appearing that the said Harris cannot have a fair and impartial trial in the court of that county, owing to the great prejudice that exists against him, and he having petitioned the Legislature for a change of the venue for his trial: Therefore,

Judge to hold a special term of the Fayette circuit court,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the judge of the Fayette circuit court shall hold a special term for the

trial of said Thomas W. Harris, on the 19th day of February, 1834, which court shall meet and adjourn from day to day, until all that is required by this act to be done by said court shall have been done.

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Sec. 2. *Be it further enacted*, That the sheriff of Fayette county shall summon a grand jury, who shall be empannelled and sworn, and be governed, in all respects, by the laws now in force regulating proceedings in criminal cases; and it shall be the duty of the clerk of the Fayette circuit court to issue summonses to compel the attendance of witnesses, at the said term, in behalf of the commonwealth.

Grand jury to be summoned.

Sec. 3. *Be it further enacted*, That if the grand jury shall return a true bill against said Harris, he shall have the right to make his election, either to be tried in the Fayette circuit court, or in the Woodford circuit court: and upon his electing to be tried in the Woodford circuit court, and the same being entered of record, the sheriff of Fayette county shall forthwith convey said Thomas W. Harris, under sufficient guard, to the jail of Woodford county—there by the jailor to be safely kept, until discharged by due course of law.

If an indictment be found true, he may elect to be tried in Woodford.

To be sent thither under guard.

Sec. 4. *Be it further enacted*, That the clerk of the Fayette circuit court shall transmit to the clerk of the Woodford circuit court (upon said Harris' election as aforesaid to be tried in the Woodford circuit court) all the original papers filed in said cause: and the judge of the Fayette circuit court is hereby directed to take the recognizances of the witnesses in behalf of the commonwealth, in a reasonable penalty, conditioned for their appearance and attendance at the next succeeding term of the Woodford circuit court, upon the first day thereof, and until discharged by said court.

Papers to be sent to Woodford circuit court and witnesses recognized to attend there.

Sec. 5. *Be it further enacted*, That if the said Thomas W. Harris shall elect to be tried in the Woodford circuit court, then, and in that case, the said court shall have as complete and as full power and jurisdiction over said cause as if the offence had been committed in the county of Woodford; and shall hear and determine the same, under the same rules and regulations as are now prescribed by law for like offences; and the like power to compel the attendance of witnesses.

Woodford circuit court to have jurisdiction, &c.

Sec. 6. *Be it further enacted*, That if the papers and proceedings, by any accident or neglect, should not be sent to the clerk of the Woodford circuit court, the

No advantage to be taken if papers be not sent.

1834.

said Harris shall take no advantage thereof, but a new prosecution may be commenced against him, as if the offence had been committed in the county of Woodford.

Copy of the steps and orders to be sent with the indictment.

SEC. 7. *Be it further enacted*, That the clerk of the Fayette circuit court shall copy all the steps and orders taken in said cause, and also make out a list of all the original papers, and certify the same under his hand, and forward the same to the clerk of the Woodford circuit court, there to be filed with the papers of said prosecution.

Election to be tried in Woodford not to be made till the indictment be found.

To be entered of record.

SEC. 8. *Be it further enacted*, That the election of said Harris, as given in this act, shall not be made until after a grand jury shall have passed upon his case, upon the indictment for murder or manslaughter which may be preferred against him; and at the time the said Harris shall so make his election to be tried in the Woodford circuit court, he shall also agree, of record, that he will abide by, and in all respects submit to the provisions of this act—which agreement shall also be copied with the steps and orders.

If indictment be judged defective, a new one may be found, &c.

SEC. 9. *Be it further enacted*, That should the Woodford circuit court, for any cause whatever, adjudge the said indictment, so found in the Fayette circuit court, to be defective, said Woodford circuit court shall not, for that cause, discharge said Harris out of custody, but shall direct a grand jury to be forthwith empannelled, and shall charge said grand jury specially to inquire into said offence, for which said Harris may have been charged in the indictment in the Fayette circuit court; and if the said grand jury shall find a true bill against the said Harris, upon any indictment preferred against him, the said Woodford circuit court shall, in all respects, proceed to the trial, and upon conviction, shall pass sentence, and carry the same into execution, in the same manner as though the offence had have been committed in the county of Woodford: and the said Woodford circuit court shall, in all respects, proceed as though the offence had been committed, or charged to have been committed, in the county of Woodford.

Not to be discharged for any number of continuances.

SEC. 10. *Be it further enacted*, That said Thomas W. Harris shall take no advantage, or be discharged out of custody, on account of any number of continuances granted in the Woodford circuit court, for any cause whatever.

Woodford circuit court to.

SEC. 11. *Be it further enacted*, That the Woodford circuit court shall have the same power to compel the

attendance of witnesses, exercise the same jurisdiction upon their recognizances, taken in the Fayette circuit court, and in all things secure to the said Harris a fair and impartial trial, as though the offence had been committed, or charged to have been committed, in the county of Woodford; and the officers of the Woodford circuit court shall in all things be governed as though the offence had been committed, or charged to have been committed, in the county of Woodford.

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have the same power as if the offence had been committed in that county.

Sec. 12. *Be it further enacted*, That the officers of court and witnesses shall be entitled to the same compensation as in other cases; and the sheriff of Fayette county shall be entitled to compensation, to be paid out of the public treasury, as for similar services, for removing the said Harris from the jail of Fayette county to the jail of Woodford county, and to be certified by the Woodford circuit court.

Witnesses, Sheriff, &c. to be paid.

(Approved February 11, 1834.)

CHAP. 376.—AN ACT to authorise the subscription of stock on the part of the State, in the Louisville and Bardstown Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Governor shall, and he is hereby directed to subscribe and pay out of any public money, not otherwise appropriated, in the name and on behalf of the Commonwealth of Kentucky, for five hundred shares in the joint stock of the Louisville and Bardstown turnpike road company, incorporated by an act of the General Assembly, approved the 23d day of December, in the year 1831, upon the following terms and conditions, viz: whenever two hundred and fifty shares shall be subscribed by individuals, and certified by the commissioners for receiving subscriptions, to the Governor—then the Governor shall subscribe for the like number of shares. And whenever two hundred and fifty additional shares shall be subscribed by individuals, and in the like manner certified to the Governor, he shall then subscribe for the like number of shares.

The Governor authorised to subscribe for 500 shares of stock in said company.

Conditions thereof.

Sec. 2. *Be it further enacted*, That whenever the sum of fifty thousand dollars shall have been so subscribed by individuals, and by the state, the said stockholders according to the provisions of said charter, and the laws now in force, shall elect their President and Directors, and other officers provided for in said charter, who shall proceed to the execution of said

The Stockholders to elect a president and directors as soon as \$50,000 are subscribed.

Who are to proceed to collect the subscrip-

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tions, &c. to the work.

The president and directors to decide where to begin the work.

Width of the road and of the graded part thereof.

The county court of Nelson and the trustees of Bardstown may subscribe for stock.

The money to pay therefor, how to be levied and collected.
Provide.

Further provide

work, and to collect from the stockholders, the amount of their subscriptions, in such proportions, and in such manner as by said charter is allowed.

Sec. 3. *Be it further enacted*, That it shall be discretionary with the said President, Directors and company, if in their opinion it shall be best, to commence said road at Bardstown, or at the termination of the present road, made by the Louisville turnpike road company, or at both ends at once, and at any other points they may think proper.

Sec. 4. *Be it further enacted*, That the said company shall not be bound to McAdamize said road, more than fifteen feet wide: *Provided*, They shall make a grade of fifty feet in width, the whole length of said road, where the nature of the ground will permit a grade of that width.

Sec. 5. *Be it further enacted*, That it shall and may be lawful for the county court of Nelson county, to become stockholders in said corporation, and the trustees of Bardstown, may also become subscribers in the said corporation: *Provided*, That should said county court, or the board of trustees of Bardstown, become subscribers in said joint stock company, the money to be raised for such purpose shall be collected by an *ad volorem* tax, upon the taxable estate, situated within their respective jurisdictions: *Provided*, That before any instalment upon the stock, subscribed for on the part of the state shall be paid, it shall be the duty of the President and Directors of said company, to certify to the Governor, that the like instalments have been first paid by the other stockholders in said company: *Provided, further*, That the right of the state to redeem the individual stock, is hereby reserved, and to be redeemed according to the provisions of an act, incorporating a company to turnpike the road from Franklin county to the Crab Orchard.

(Approved February 11, 1834.)

CHAP. 377.—AN ACT for the benefit of Robert Ferguson.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that a portion of the dividing line between the counties of Barren and Hart, which commences four and one half miles from the Elk lick, on the Green county line, from thence a

straight line to a point ten and one half miles due north, from Barren Court-house, was incorrectly run, by means of which Robert Ferguson was included in the county of Hart: Therefore,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall, and may be lawful for the surveyor of Barren county, by himself or deputy, upon the application of said Robert Ferguson, to run said line, or so much thereof as will be necessary to ascertain the true and straight line between the points aforesaid; and said line when run, shall be established as the true dividing line between said counties: *Provided, however,* That the said Robert Ferguson shall pay all expenses, which may be incurred by running and establishing said dividing line.

(Approved February 13, 1834.)

CHAP. 378.—AN ACT to change the place of holding the Election in the Gore Precinct in Daviess County, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the place of voting and holding the election in the Gore precinct in the county of Daviess, be changed in consequence of the removal of the person at whose house said election was held, and that all future elections shall be held at the house of James Millay, in the town of Knotsville, and that the rules and regulations heretofore observed in the Gore precinct, shall govern all elections held in Knotsville, and the same shall hereafter be known and called the Knotsville precinct.

The place of voting in the Gore precinct in Daviess county changed

Sec. 2. *Be it further enacted,* That the place of voting in the Trade water precinct, in Union county, shall be, and the same is hereby changed from the house of James Wallace in said precinct, to the Spring, at Liberty meeting-house in said precinct, and the judges, sheriff and clerk appointed by the Union county court, shall attend at said Spring, and there take the qualified votes in said precinct at all elections.

The place of voting in Trade-water precinct in Union county changed.

[Approved February 13, 1834.]

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CHAP. 379.—AN ACT to compel Sheriffs to return certificates of the election of members of the Senate and House of Representatives.

The sheriffs to transmit to the Secretary of State the certificates of the election of senators and representatives.

Penalty for a failure, how recoverable.

The Secretary of State to notify such failure to the county attorney,

Who is directed to prosecute the sheriff.

Compensation to the county attorney.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter any sheriff failing to transmit to the Secretary of State, certificates of the election of any Senator or Representative, according to law, for every such failure, said sheriff shall be subject to a fine of twenty dollars, to be recovered in the name of the Commonwealth of Kentucky, in an action of debt, or upon motion, ten days notice being first given, in any court of record in the county where such sheriff may reside.

Sec. 2. *Be it further enacted*, That after the time has passed within which it is now the duty of the sheriffs to transmit such certificate to the Secretary of State, it shall be his duty to forward to the county court attorney, of every county in which the sheriff shall have failed to make a return of said certificates, notice of such failure; and thereupon said attorney shall institute proceedings under this act, against the sheriff so failing, for the penalty aforesaid. And for his services, the said attorney shall be entitled to one third of the penalty recovered: the other two thirds thereof, the sheriff or coroner collecting the same, shall pay into the public treasury as revenue.

[Approved February 22, 1834.]

CHAP. 380.—AN ACT concerning the Troop of Cavalry attached to the 7th Regiment and 13th Brigade, Kentucky Militia.

Recital.

Whereas, the officers, non-commissioned officers and privates of the troop of Cavalry, attached to the 7th Regiment and 13th Brigade, Kentucky Militia, have petitioned this General Assembly to pass a law, requiring them to hold three additional company musters in each year: Therefore,

The said troop to have three additional musters in each year

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the troop of Cavalry attached to the 7th Regiment and 13th Brigade, Kentucky Militia, shall in the present, and every year hereafter during its existence, hold three additional company musters, viz: in the months of June, July and September, and upon such day in each month as the commandant of said troop may direct.

Sec. 2. *Be it further enacted,* That the officers, non-commissioned officers and privates of said troop, shall be liable to the same fines and penalties for failing to attend either of said additional musters, as they are now by law liable to for failing to attend the April muster, and shall in all other things be governed and regulated by the laws now in force, so far as respects said additional musters.

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Fines may be levied and collected for a failure to attend them.

[Approved February 14, 1834.]

CHAP. 381.—AN ACT to authorise the Trustees of the Hardin Seminary to sell lot No. 31, in the town of Elizabeth, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the trustees of the Hardin county seminary, established in the town of Elizabeth, be, and they are hereby authorised to sell and dispose of lot No. 31, in the said town, and when disposed of, they are hereby authorised to make a deed to the purchaser or purchasers for the whole or any part thereof so sold.

The trustees authorised to sell and convey a lot of ground in Elizabeth.

Sec. 2. *Be it further enacted,* That when the said lot or any part thereof, may have been sold by the trustees aforesaid, the proceeds of the sales shall be applied to the use and benefit of said seminary, in such manner as the trustees thereof, in their discretion may deem advisable.

Proceeds to be applied to the use of the Seminary.

Sec. 3. *Be it further enacted,* That the trustees of the town of Elizabeth, be, and they are hereby invested with power and authority, to open or extend the alleys running in the direction they now run, near the said seminary, so far out as the town limits now extend, or may hereafter by law extend.

The trustees of Elizabethtown authorised to open & extend certain alleys.

[Approved February 14, 1834.]

CHAP. 382.—AN ACT for the benefit of James Storm and John Cox.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Register of the land office is hereby authorised and required to register for James Storm, a copy of a plat and certificate of survey, for one hundred and sixty-eight acres of

The register authorised to issue to J. Storm a patent on the return of a copy of a plat and

1834. land, made upon a head right certificate, No. 109, granted by the Knox county court to Susanah Arthur, on the fifth day of December, one thousand eight hundred and three, and issue a patent thereon upon James Storm filing with the Register, the Auditor's quietus for the state price, and making oath that the same was assigned to him, and that he has not assigned the original papers to any person whatever.

certificate of
survey.

Also, patents to
John Cox on
copies of two
plats and certi-
ficates.

Sec. 2. *Be it further enacted*, That the Register of the land office is hereby authorised and required to register and issue patents thereon for John Cox, two copies of plats and certificates of survey, for one hundred and eighty-seven acres of land, one hundred acres thereof granted David Johnson, by the Lincoln county court commissioners, on the eleventh day of August, one thousand seven hundred and ninety-eight, No. 247, and eighty-seven acres thereof upon a Knox county court certificate, No. 122, granted David Johnson on the first day of February, one thousand eight hundred and two, upon the said John Cox making oath that the original surveys are lost or mislaid, and filing the Auditor's quietus for the state price of the same, and the assignment regularly from David Johnson to himself.

(Approved February 22, 1834.)

CHAP. 383.—AN ACT for the benefit of Elizabeth Dick.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the bonds of matrimony now existing between Elizabeth Dick and Benedick Dick, her husband, of the county of Jefferson, and state of Kentucky, be, and the same is hereby dissolved, and the said Elizabeth is restored to all the rights and privileges of a *feme sole*.

Sec. 2. *Be it further enacted*, That any estate, real or personal to which the said Benedick Dick would have been entitled to recover or receive in right of his wife, the said Elizabeth, in case this law had not have passed, and which he has not reduced into actual possession, may be sued for, recovered, held and enjoyed by the said Elizabeth, to, and for her exclusive use and benefit.

(Approved February 22, 1834.)

CHAP. 384.—AN ACT to allow the County of Green two additional Constables, and for other purposes.

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Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That two additional constables be allowed to the county of Green, and it shall be the duty of the county court of said county, a majority of the justices being present, to proceed to appoint said constables, one of whom shall reside in the district known as Matthew Drys', the other in William Scaggs' district.

Two additional constables allowed to Green county.

Sec. 2. *Be it further enacted*, That there shall be one additional constable allowed to the county of Harlan.

And one to the county of Harlan.

(Approved February 22, 1834.)

CHAP. 385.—AN ACT to change the name of Wesley Blake.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that Wesley Blake is desirous of changing his name to Wesley Stewart: Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Wesley Blake be hereafter styled, called, and known by the name of Wesley Stewart.

[Approved February 22, 1834.]

CHAP. 386.—AN ACT to incorporate the Richmond and Lexington Turnpike Road Company.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be, and the same is hereby formed for the purpose of making a turnpike road upon the McAdam plan from Richmond to Lexington, under the name and style of the Richmond and Lexington Turnpike Road Company.

A company formed to make the artificial road.

Sec. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each.

Amount of capital stock.

Sec. 3. *Be it further enacted*, That the books for subscriptions in the stock of said company shall be opened on the first Monday in June at Richmond and Lex-

Books for the subscription of stock to be o-

1834. ington, under the direction of the commissioners hereinafter named—that is, at Richmond under the direction of Daniel Breck, Squire Turner, Thompson Bur-nam, E. H. Field, Samuel Stone and Clifton Rodes; at Lexington, under the direction of Robert Wick-liffe, James Shelby, Charles Carr, John R. Dunlap and Jeremiah Rogers. The commissioners named at each of the foregoing places, or any three of them shall procure one or more books, and in each of them enter as follows: We whose names are hereunto sub-scribed, do promise to pay to the President, managers and company of the Richmond and Lexington turn-pike road company, the sum of one hundred dollars for every share of stock in the said company, set op-posite our names, in such manner and proportions, and at such times as shall be determined by the President and managers of said company, and agreeably to an act of Assembly of the Commonwealth of Kentucky, incorporating said company: Witness our hands this day of in the year of our Lord, one thousand eight hundred and

Form of the ob-
ligation to be
signed by the
subscribers.

Notice of the
time and place
of receiving
subscriptions to
be given.

Commissioners
to attend at the
time and place.

Proviso.

Whenever 250
shares are sub-
scribed, notice
to be given for
a general meet-
ing to elect a
president, di-

The said commissioners shall give in one or more of the public newspapers printed in Richmond and Lex-ington, one month's notice of the time and place at which books will be opened to receive subscriptions for stock in said company; at which times and places, some one or more of the commissioners above named at each place, shall attend and permit all persons of lawful age, bodies corporate or politic, who shall offer to subscribe in said books in their own name, or that of any other person who shall duly authorise the same, for any number of shares in the said stock. The said books shall be kept open respectively for the pur-pose aforesaid, by adjournment from place to place, and from time to time, until the whole number of shares shall be subscribed; of which adjournments, the said commissioners shall give such notice as the occasion may require: *Provided*, That the President and managers of said company, shall not have power to call in more of said stock, than ten dollars on each share, in any sixty days.

Sec. 4. *Be it further enacted*, That when two hun-dred and fifty shares of said stock shall have been ta-ken, the commissioners shall give thirty days' notice in one or more of the public newspapers printed in Rich-mond and Lexington, that the number of shares re-quired by the act of incorporation to organize the

company, have been taken or subscribed, and that an election will be held at Lexington or Richmond as the commissioners may determine, to choose by a majority of the votes of the subscribers by ballot, to be delivered in person, or by proxy duly authorised, one President, ten managers, one treasurer, and such other officers as they may think necessary, to conduct the business of said company for one year, or until other such officers shall be elected.

Sec 5. *Be it further enacted*, That when the said company shall be thus organized, they shall be, and are hereby declared a body politic and corporate, in deed and in law, by the name, style and title of the President, managers and company of the Richmond and Lexington turnpike road; and by the said name, the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, all such lands, tenements, hereditaments and estate, real or personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, impleading and being impleaded, answering and being answered, defending and being defended, in courts of record, or any other place whatsoever: and also to make, have and use a common seal, and the same to break, alter and renew at pleasure. To make such rules, by-laws and regulations, not inconsistent with the laws and constitution of the United States, and of this state, as shall be necessary for the well-ordering the affairs of said company, and to do all and every other matter and thing, which a corporation or body politic may lawfully do.

Sec. 6. *Be it further enacted*, That the whole width of said road, shall be fifty feet, the graded part thereof shall be at all places where the ground will admit of it, at least forty feet in width, and the artificial or McAdamized part thereof shall be covered with pounded stone, on one side, nine inches thick, and not less than twelve, nor more than eighteen feet in width.

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rectors and other officers.

When thus organized, declared to be an incorporated company, and style thereof.

General powers of incorporation granted to sue and be sued, to hold stock and enlarge the same by new subscriptions,

Of purchasing and selling and conveying property, real and personal.

Of making by-laws for the government of the corporation.

Mode in which the road shall be constructed.

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The provisions of the Louisville and Bowlinggreen road charter of 1833 adopted as a part of this act, except such as conflict herewith.

And the rules for the government of said corporation also, adopted.
Exception.

Subscriptions to be made on the part of the Comm. in the stock.

How and when to be paid in.

The state stock to be voted on at the charter elections.

Reservation of right of redeeming the stock of individuals by the Commonwealth.

Sec. 7. *Be it further enacted*, That all the provisions, from the 5th to the 28th section inclusive, of an act to incorporate a company to establish a turnpike road from the city of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line, in the direction to Nashville, approved February 2d, 1833, except so far as is already provided for in this act, or may come in collision with the provisions of the same, and so far as the same are applicable to the object and intent hereof, are hereby adopted and enacted as a part of this act; and all the rules for the government of said corporation, from the 5th to the 28th section inclusive, not inconsistent herewith, are hereby adopted for the regulation and government of the Richmond and Lexington turnpike road company, except that the elevation of said road when graded, shall not exceed three and a half degrees.

Sec. 8. *Be it further enacted*, That when the sum of twenty-five thousand dollars shall be subscribed in stock by individuals, the Governor is authorised to subscribe the sum of twelve thousand five hundred dollars in stock in said corporation, on behalf of the Commonwealth; and that when the further sum of twenty-five thousand dollars shall be subscribed in stock by individuals, the Governor is authorised to subscribe the further sum of twelve thousand five hundred dollars in stock in said corporation, on behalf of the Commonwealth; and whenever the President and managers of the corporation, shall certify to the Governor, that any amount per cent. upon stock has been paid by individual stockholders, the Auditor is directed to draw upon the Treasurer in favor of said President and managers for the like amount per cent. to be paid on behalf of the Commonwealth from time to time, out of any money not otherwise appropriated, until the whole amount of the subscription of the state shall be paid.

Sec. 9. *Be it further enacted*, That the Commonwealth shall have the right to vote at all elections for President and managers, and give the like number of votes, according to the amount of stock held; the said right to be exercised in the same manner as is done in other turnpike corporations in which the Commonwealth holds an interest: *Provided, however*, That this charter is granted with the express understanding, that the right is reserved on the part of the state, to re-

deem the stock of individuals, upon the same terms and conditions set forth and provided for by a bill which has passed, incorporating a company to turnpike a road leading from Franklin to the Crab Orchard.

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(Approved February 14, 1834.)

CHAP. 387.—AN ACT to provide for the improvement of the road from Franklin County to Crab Orchard in Lincoln County.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Edward P. Johnson, Charles S. Morehead, Jephthah Dudley, Philip Swigert and Jamison Samuel, be, and they are hereby constituted a board of internal improvements in and for the county of Franklin; that William McGinnis, Jacob Elliston, Sen. Dudley George, John B. White, William M. Withers, Thomas McCall and John F. Higgins, be, and they are hereby constituted a board of internal improvement, in and for the county of Anderson; that Christopher Chinn, Samuel M'Coun, John G. Chiles, Robert M'Afee and Samuel Daviess, be, and they are hereby constituted a board of internal improvement, in and for the county of Mercer; that William Whitley, Robert Logan, William Craig, Thomas Helm, William Faris and John Green, be, and they are hereby constituted a board of internal improvement, in and for the county of Lincoln, for the purpose of making a turnpike road from any point on the road from Frankfort to Shelbyville, which the board of internal improvements for Franklin county may designate, through the towns, of Lawrenceburg, Harrodsburg, Danville, Stanford and Walnut Flat to the Crab Orchard, in Lincoln county. In order that the said board of internal improvements hereby created and established, may be the better enabled to effect the said object, the board of each county is hereby established a body politic, in deed and in law, and in the name and style of the board of internal improvement for the county in which it may be located, and under said style and name, shall have perpetual succession, and all the privileges, immunities and franchises of a body corporate and politic; and as such, shall be capable of taking, purchasing and holding to them, their successors or assigns, and of selling, trans-

Boards of internal improvements established in Franklin county.

In Anderson county.

In Mercer county.

And in Lincoln county, to construct a turnpike road from Franklin county to Crab Orchard.

And made corporate bodies, and their style

General corporate power granted.

To purchase, hold, sell and convey estate,

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real and personal.
To sue and be sued.

Have a common seal.

Books for the subscription of stock to be opened in the several counties.

The amount of subscriptions allowed—and the amount of each share.

Who may become subscribers for stock.

The county courts authorised, upon petition of the citizens, to levy & collect an ad valorem tax for the purpose of paying subscriptions.

Dividends on the stock to be applied to reducing the county levy.

The boards of inter'l improvements authorised to enact by-laws.

fering and conveying in fee simple, all such lands, tenements and estate, real, personal and mixed, as shall be necessary to the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, before all courts of record, and other judicial tribunals whatsoever; and to make, have and use a common seal, and the same to break, alter and renew at pleasure, and to do each, and every act which a body corporate and politic, may as such lawful do.

Sec. 2. *Be it further enacted*, That each board of internal improvements shall be, and is hereby authorised to open books, and receive subscriptions for stock in said road, to the amount of ten thousand dollars in the county of Franklin; to the amount of fifteen thousand dollars in the county of Anderson; to the amount of twenty thousand dollars in the county of Mercer; and to the amount of twenty thousand dollars in the county of Lincoln, dividing the same into shares of fifty dollars each; and the said several boards of internal improvements are hereby authorised to receive subscriptions for stock from all persons, and from all corporations, and especially from the county courts of Franklin, Anderson, Lincoln and Mercer, on such terms and conditions as they may deem expedient.

Sec. 3. *Be it further enacted*, That the county court of each of the aforesaid counties, through which the turnpike road herein proposed shall pass, is hereby empowered and authorised to levy an *ad valorem* tax upon the real estate in such counties, subject to taxation, not exceeding six and a fourth cents upon one hundred dollars of value, whenever such county courts shall be petitioned to do so, by a majority of the qualified voters in said county; and the amount thus collected, shall be appropriated to subscriptions for stock, to the road within the county paying the same, and the dividends or profits arising from said stock, shall from time to time, whenever other dividends are declared and paid over to the several county courts, to be by them applied to the reduction of the county levy.

Sec. 4. *Be it further enacted*, That each of the said boards of internal improvements hereby created, shall be, and are hereby authorised from time to time, to make and ordain such by-laws as they may deem expedient and necessary; and such by-laws so established, shall be obligatory upon the said board, establishing the same, and all persons having necessary

connection with said corporation: *Provided, however,* That such by-laws do not conflict with the constitution and laws of this Commonwealth.

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SEC. 5. *Be it further enacted,* That so soon as the board of internal improvements in, and for the county of Franklin, shall have obtained subscriptions to the amount of two hundred shares, they shall notify the Governor thereof, who shall thereupon, for and on behalf of the Commonwealth, subscribe two hundred shares to the capital stock of said company; and so soon as the board of internal improvements for Anderson county, shall have obtained subscriptions in the capital stock of the said company, for three hundred shares, the said board shall notify the Governor of the fact, whereupon it is made his duty thereupon to subscribe for, and on behalf of the state, three hundred shares to the capital stock of said company; and so soon as the board of internal improvements for the county of Mercer, shall procure subscriptions for four hundred shares in the stock of said company, the said board shall notify the Governor of the fact, whereupon it is made his duty to subscribe for, and on behalf of the state, four hundred shares in the capital stock of said company; and so soon as the board of internal improvements for the county of Lincoln, shall have obtained subscriptions to said road, to the amount of four hundred shares, the said board shall notify the Governor of the fact, and thereupon it shall be the duty of the Governor to subscribe on behalf of the Commonwealth, four hundred shares in the stock of said company; and the Treasurer of the State, until otherwise directed by the General Assembly, shall attend by himself or his proxy, at all public meetings of each of said companies, and vote on behalf of the state, as other stockholders; and any money in the Treasury, not otherwise appropriated, is hereby appropriated to pay the instalments on the shares so subscribed for, on the part of the state, as the said instalments may from time to time become due: *Provided, however,* That the Treasurer shall pay no part of an instalment on said stock, hereby authorised to be subscribed, until it shall appear that a sum equal to the amount required to be paid by him, shall have been actually paid by the other stockholders: *And provided, also,* That the subscriptions on the part of the state, shall be withdrawn, unless the work herein contem-

Subscriptions
authorised on
the part of the
Commonwealth,
in said companies.

The treasurer
authorised to
vote the stock
of the state at
all elections.

Stock of State,
when and how
to be paid.

Proviso.

Further proviso

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Each share of stock entitled to one vote.

The several boards authorized to appoint their own officers.

Proviso.

The boards to keep a record of their proceedings.

Authorized to employ artists, agents, &c. & fix their salaries. Regulate calls on stock.

Each board, in their own county, to fix the route of the road.

And authorized to examine private enclosures &c. with a view to select the best route, upon giving notice to the owners.

plated, shall commence within three years from and after the first day of April next.

Sec. 6. *Be it further enacted*, That at elections of officers and agents of said boards of internal improvements, each share shall entitle the holder to one vote.

Sec. 7. *Be it further enacted*, That a majority of each of said boards shall constitute a quorum to transact business, and it shall be the duty of each to appoint a secretary, collector and treasurer, together with such other officers as they may deem necessary, and to prescribe their duties and responsibilities: *Provided*, That the treasurer and collector, before entering upon their respective duties, shall be required to execute bond with sufficient security, conditioned for the faithful performance of their several undertakings.

Sec. 8. *Be it further enacted*, That it shall be the duty of said boards to enter and keep in a book a fair register of all their transactions, and they shall have power to employ all such artists and agents as they may think proper and necessary, and to agree upon and fix their salaries and wages; to ascertain and regulate the terms and conditions upon which the subscriptions for stock shall be made: also the time, manner and proportions in which stockholders and subscribers shall pay in the same; to draw orders upon the treasurer for all sums necessary to discharge any contracts by them made in the prosecution of their work—which said orders, after being signed by the chairman of the board, shall be entered in the book of minutes, by them herein before required to be kept.

Sec. 9. *Be it further enacted*, That the said boards (each in their own county,) shall have power to determine, fix and locate the route over which the said road, or any part thereof shall pass, subject however to be restricted to the points heretofore mentioned herein, and when they shall deem it expedient to examine any proposed route, over and through premises and enclosures, the private property of any person or persons, they shall give to such person or persons, if residents of this Commonwealth, and if non-residents, *femes covert*, or infants, to their agents, if they have any known husbands or guardians, ten days' previous notice in writing of their intention to examine and survey said proposed route, and request their assent thereto; at the same time, in said notice informing said person or persons, that if said assent is with-

held, they will as is hereinafter provided for, call upon viewers to assess the damages arising from said survey; and in the event of said person or persons withholding their assent, the said board shall call upon two disinterested housekeepers, who being first duly sworn, shall decide upon the amount of damage, if any, which will be sustained by the said person or persons from the proposed examination and survey of their premises.

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Mode of assessing damages, if the owners of the land withhold their consent to make the surveys, &c.

Sec. 10. *Be it further enacted*, That provided the said board shall within ten days after the finding of the said reviewers, elect to pay, and actually pay, or tender to the said person or persons in favor of whom the same has been assessed, the amount so determined and found to be due, they shall be, and are hereby authorised and empowered to enter into the lands and enclosures of the said person or persons, and survey and examine the ground, stone, gravel, quarries and other materials which they may deem suitable and necessary for the locality and construction of said road.

And upon paying or tendering the damages assessed, are authorised to make the surveys and examine the route, quarries, &c.

Sec. 11. *Be it further enacted*, That after any survey and examination has been made in conformity with the provisions of the ninth and tenth sections of this act, if the said board shall elect to construct the turnpike on said route, they shall give to the proprietor or proprietors, if residents, and if non-residents, *femes covert*, or infants, to their agents, husbands or guardians, three days' notice in writing of their decision thereon, and request their assent to the same; but provided the assent so requested, be refused or withheld, then and in that event, the said boards may apply to any justice of the peace, within their respective counties, for a warrant directed to a sheriff or constable of the county, to summon twelve housekeepers of the county, not stockholders, to hold an inquest on the premises, a day to be fixed in the warrant, and on the receipt of such warrant, it shall be the duty of the sheriff to summon twelve jurors to appear at the time and place stated in the warrant, giving to the proprietor or proprietors, if residents, if non-residents, infants or *femes covert*, their agents, guardians or husbands, at least three days' notice of the meeting of the jury, and it shall be the duty of the said justice and said officer to attend on the day, and at the place, and the justice shall administer an oath to faithfully decide, and say what damages the pro-

Mode of condemning the route for the road, if the owner of the land withhold his assent to the road.

Jury to be summoned to assess the damages.

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prietor will sustain from the construction of the road, taking into view the advantages and disadvantages, that will arise from its construction.

Inquest to be returned before the justice.

Sec. 12. *Be it further enacted*, That the said jury shall return their verdict in writing to the said justice of the peace, whose duty it shall be to keep a record of said proceedings.

The board may elect to pay the damages or not within 20 days thereafter.

And if they so elect and pay the damages, the land shall be condemned accordingly.

Sec. 13. *Be it further enacted*, That if the jury shall find any damages against the said board, they may elect either to pay the same, or to abandon the said proposed route, and if they shall within twenty days after the finding of the said jury, elect to pay the said damages, and shall actually pay or tender the same, they shall thereupon be, and are hereby authorised and empowered to open, enter upon and take possession of the same, and use the same for the purpose of constructing the said turnpike road.

The boundaries to be first marked out and designated.

Sec. 14. *Be it further enacted*, That the said board shall in no case without the consent of the owner in writing first obtained, institute any proceeding under this act, the object of which is to acquire the occupation and control of the soil, until they shall have first examined, surveyed and distinctly ascertained and marked out the extent and boundary of such contemplated possession; but after having made such survey, they may proceed according to the provisions of this act, to acquire and take possession thereof, and use the same in any manner they may think proper, toward the construction of said road, the artificial or McAdamized part whereof, shall be not less than twelve feet, nor more than twenty feet in width, composed of gravel or pounded stone, according to the McAdam plan, laid upon a smooth and well graded foundation, and constructed upon the best and most improved plan; which said road when completed shall at no point be of greater elevation than three and a half degrees.

Width of the road to be constructed—

The elevation thereof.

Sec. 15. *Be it further enacted*, That whenever said board shall have completed any portion of said road, not less than five miles, they shall notify the Governor thereof, who shall thereupon nominate three judicious persons to examine the same, and report to him whether said road is executed in a judicious and workmanlike manner, and in conformity with the requisitions of this act; and upon said persons reporting in favor of said board, the Governor shall by license under his hand and the seal of the Commonwealth,

The Governor authorised to license the erection of toll gates whenever any 5 miles thereof

authorise the said board to erect a toll gate across that part of said road, and collect the tolls or rates hereinafter specified: *Provided, however,* That no gate shall be erected within one mile of any town, unless expressly permitted by law.

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shall be completed and examined, &c.

Sec. 16. *Be it further enacted,* That as soon as the said board, in conformity with the foregoing provisions, shall have erected a gate, they shall be, and are hereby authorised and empowered to appoint a toll-gatherer whose duties and liabilities they shall, from time to time prescribe by their by-laws and ordinances; and the said gate keeper and toll-gatherer by the said board appointed, shall have all the powers and privileges which are conferred on toll-gatherers, by the fifteenth and sixteenth section of the act to incorporate the Lexington and Frankfort turnpike or Rail Road company, approved February 7th, 1828, and shall collect and receive the same rate of tolls as are in said section specified and authorised to be collected.

The board authorised to appoint toll gatherers, and collect tolls.

Rates of toll authorised to be collected.

Sec. 17. *Be it further enacted,* That if any person or persons riding in, or driving any carriage of freight or pleasure, or riding, leading or driving any horse or mule, or any description of stock, shall with intent to defraud the said board or evade the payment of tolls, pass through any private gate, bars or fence, or over any ground along or near said turnpike, or over any ground along or near said turnpike gate thereon erected; or if any person or persons shall practice any artifice or device, with the intention of evading or lessening the tolls fairly due from him, her or them, each and every person so offending, shall for every such offence, forfeit and pay to the board of internal improvements for the county where the offence is committed, the sum of ten dollars, to be recovered before any justice of the peace of said county.

Penalty for failing to pay or avoiding and evading the payment of tolls.

How recovered and applied.

Sec. 18. *Be it further enacted,* That the said boards shall keep a full and fair account of their receipts and expenditures, and shall moreover annually in the month of November, make out a complete and perfect account thereof, exhibiting the nett profits of the stock in said road, a dividend of which shall be declared and made among the several stockholders, and the said stockholders notified of the time and place when and where the same will be paid; all of which shall be reported by said board to the General Assembly, at each regular session thereof.

Annual accounts to be exhibited, and dividends declared.

And reports to be made to the Legislature.

Sec. 19. That the said boards shall erect posts with

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Mile posts to be erected, and fixed rates of toll to be posted up.

The collection of tolls may be suspended by order of a justice of the peace whenever the road is out of proper repair.

Mode of proceeding to ascertain the fact, and for a resumption of the collection of tolls.

Annual elections to be held for boards of managers, &c.

suitable indexes at the intersection of said turnpike by other roads, and cause mile stones or posts to be placed along the sides of the said road, and also cause to be affixed on the gates printed lists of the rates of toll, and shall moreover keep the said road in good repair: *And provided*, The said boards shall permit the said road to get so much out of order, that travelling or transportation over the same, shall be for the space of twenty-fours, in any degree impeded or obstructed thereby, it shall be competent for any person to give information thereof, to any two justices of the peace for the county in which said road may lie, which said justices shall thereupon issue a precept to be directed to any constable, commanding him to summon five disinterested housekeepers (to be named by said justices in said precept,) to meet at a certain place on that part of the road complained of; of which meeting, the gate keeper within whose precinct the alledged defect exists, shall have one days' notice, and the said justices shall swear the said housekeepers to examine said road, and determine and find whether the same is, or is not in good repair; which inquisition shall be returned to the said justices, under the hands and seals of the said housekeepers: *And provided*, The said housekeepers shall find said road to be out of repair, according to the true meaning of this act, a copy of such inquisition or finding shall be given to the keeper of the gate, within whose precinct or division of the road, the said defective part is situated, who shall thereupon be required to throw open his gate, and keep the same open and free of tolls, until he has obtained the certificate of the said viewers or housekeepers, or a majority of them, that the said defect is repaired, and the road in good order, and that he has paid and satisfied the costs of said proceedings, which shall be as follows, viz: to each of said justices, fifty cents, and to the constable, one dollar; to each of the reviewers, one dollar per day.

Sec. 20. *Be it further enacted*, That in the month of April, in the year 183 , the President and managers shall fix upon a day for the election of their successors in office, and advertise the same in some public paper in the towns of Frankfort and Danville, requesting the stockholders to meet and choose suitable persons to fill said board; and it shall be lawful for each stockholder to give one vote for each share by him held, free from all arrears or calls unpaid, for the candi-

dates he may desire to elect; and the Treasurer, as the representative of the interest of the state, and the county courts of the several stock, as through which the road may pass, (provided they have subscribed as the representative of the interest of said county,) may by written authority, constitute a proxy to vote for them, or either of them in said elections; which shall in like manner, take place in the month of April, in every successive year.

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The treasurer to vote on the stock of the state, and the county courts the stock of the county.

Sec. 21. *Be it further enacted,* That nothing in this act shall be so construed as to impose toll fees upon the owners of lands, through which said road shall pass; their horses, cattle, carriages or servants passing on said road, from one part of their farm to another, or to impose toll fees upon venire men, and grand jurors, passing to and from the court to which they are summoned; but all such persons shall be at liberty to use such roads, and to pass the gates thereof, during their ownership or attendance on the court for the purpose aforesaid; nor shall any tolls be imposed upon citizens of the county, while going to, and returning from the general elections of said county; nor upon citizens going to, and returning from any muster, in pursuance of their duty, to attend muster, but all such persons with their horses or vehicle on which they ride, shall pass free of toll.

Certain persons and property exempted from the payment of toll.

SEC. 22. *Be it further enacted,* That each of the said boards shall have power to fill any vacancies that may occur in their body: *Provided, however,* That this charter is granted upon the express understanding, and with the following reservation: that the state shall, within twenty years, from and after the passage of this act, have the right to pay over to the individual shareholders of said stock, their heirs, assigns, executors or administrators, the amount paid in on their respective shares, together with such interest as will be equal to six per centum per annum, after deducting the amount of clear profit or dividends which may have been declared on said stock, which said stock when so purchased, and paid for, shall become the stock and property of the Commonwealth of Kentucky; and should the state not within that period pay for the whole individual stock, she shall have the right at any time to pay the several shareholders, *pro rata*, and as far as purchases are thus made, the stock to that extent shall become vested in this Commonwealth.

Vacancies, how filled in the boards.

Proviso.

Reservation of power by the Legislature.

[Approved February 22, 1834.]

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CHAP. 388.—AN ACT supplementary to an act, entitled, an act, to appropriate a sum of money for the purpose of improving the navigation of the Cumberland River at Smith's Shoals, and the Big South Fork of said River, up to the Coal Banks, approved February 2, 1833.

Appropriations made for improving the navigation of the Cumberland river & the Big South Fork thereof.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of five thousand dollars be, and the same is hereby appropriated to the opening and improving the navigation of Cumberland river at Smith's shoals; and the sum of two thousand dollars be, and the same is hereby appropriated to the opening and improving the navigation of the Big South Fork of said river, from the coal mines, to the mouth thereof.

The money to be paid to persons appointed to receive it by the county courts of Pulaski and Wayne.

Who are to give bond and security, &c.

SEC. 2. *Be it further enacted*, That the auditor of public accounts shall issue his warrant upon the treasury, payable to such person or persons as the county courts of Pulaski and Wayne shall authorise to receive the same, (from whom the said county courts shall take bonds, with good security, faithfully to account for the amount received,) and the treasurer shall pay the same out of any money in the treasury not otherwise appropriated: and the county courts of Pulaski and Wayne, and all others concerned, shall, in every respect and particular, be governed by the above recited act, of which this is a supplement.

[Approved February 22, 1834.]

CHAP. 389.—AN ACT for the benefit of Caldwell, Livingston, and Todd Counties.

\$250 worth of land warrants granted to Caldwell county for the improvement of the public roads, under the direction of the county court thereof. Warrants to be located in said county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of two hundred and fifty dollars in land warrants, free of charge, be, and the same is hereby appropriated to the county court of Caldwell county, to be by said court applied to the improvement of public roads in said county: and the register of the land office is hereby authorised and required to issue land warrants, to the amount of two hundred and fifty dollars, to said Caldwell county court, to be by them located on any unappropriated land in said county; and that the said courts shall have full power to transfer said warrants, or any part thereof, to any person or persons whatever, for the purposes aforesaid.

SEC. 2. *Be it further enacted*, That the further sum of two hundred and fifty dollars, in land warrants, be, and is hereby appropriated, free of charge, to the county court of Livingston, to be by said court applied to the improvement of the public roads in said county: and the register of the land office is hereby authorised and required to issue land warrants, to the amount of two hundred and fifty dollars, to said Livingston county court, to be by them located on any unappropriated lands in said county; and that said court shall have full power to transfer said warrants, or any part thereof, for the purposes aforesaid.

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The same amount donated to Livingston county for the same object.

SEC. 3. *Be it further enacted*, That the said county courts (a majority of all the justices in commission being present) shall determine upon what road or roads the profits of said warrants shall be expended upon.

SEC. 4. *Be it further enacted*, That the said courts respectively shall have the power to appoint one or more commissioners to sell said warrants, or to locate them for the benefit of said courts, to be applied as aforesaid.

The county courts may appoint commissioners to sell the warrants.

SEC. 5. *Be it further enacted*, That the said county courts may appoint fit and proper persons to superintend the improvements on said roads, and to allow to said superintendants a reasonable compensation, out of the proceeds of said warrants, for their services: *Provided*, That nothing in this act shall be so construed as to authorise said courts, or any commissioner they may appoint, to sell said warrants, or any part thereof, for a less amount than five dollars per hundred acres.

And may appoint commissioners to superintend the improvement of the roads, &c.

Proviso.

SEC. 6. *Be it further enacted*, That the register of the land office shall, without fee therefor, record any platt or certificates that may be made upon any of the said warrants, and to issue patents thereon, as in other cases.

Register to record the plats and certificates and issue patents thereon.

SEC. 7. *Be it further enacted*, That the register of the land office be, and he is hereby required to issue to Nathaniel Buress, Urbin E. Kennedy, and Francis M. Bristow, as commissioners, without fee, three hundred dollars worth of land office warrants, at the rate of five dollars per hundred acres, in such quantities as they shall require, to be located by them, or a majority of them, on any vacant and unappropriated land in the county of Todd: and said commissioners, or a majority of them, are hereby authorised to sell and assign said warrants, and locate and cause the same, or any

\$300 worth of land warrants donated to Todd county to improve a certain road.

Warrants may be sold or transferred.

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Register to issue patents, &c.

Proviso.

Warrants not to be located on land heretofore entered, surveyed or carried into grant.

part thereof, to be surveyed and carried into grant, and then sell and convey the same, or any part thereof, and apply the proceeds thereof, under the direction of the county court, towards improving the road from the town of Elkton to the Christian county line; and the register of the land office is hereby required to issue patents on the same, without fee: *Provided, however,* That said commissioners shall not sell, or otherwise dispose of the said land or warrants, for less than five dollars for one hundred acres.

SEC. 8. *Be it further enacted,* That each and every patent which may issue under authority of this act, and which may include any land heretofore appropriated and surveyed under authority of law, shall be absolutely void to all intents and purposes.

(Approved February 22, 1834.)

CHAP. 390.—AN ACT to increase the Revenue.

The state tax increased to 10 cents on the valuation of taxable property.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the sheriffs of this Commonwealth to collect, upon the valuation contained in the commissioners' returns for the present year, and every year thereafter, at the rate of ten cents for every hundred dollars contained in the valuation of each individual's land and other property, subject to taxation: and that the taxes to be collected upon the lands of non-residents, shall be charged and collected at the same rate.

The tax on shares in the Louisville bank increased to 40 cents pr. share, to be paid annually.

SEC. 2. *Be it further enacted,* That the cashier of the Louisville Bank of Kentucky, shall, on the first day of July, 1834, and on the same day annually thereafter, pay into the public treasury forty cents on each share held by the stockholders in said Bank.

The value of cattle over \$50 to be listed for taxation.

SEC. 3. *Be it further enacted,* That hereafter there shall be paid on cattle the same ad valorem tax, to which horses are, or shall be subjected; and that every person shall include in his or her list of taxable property, his or her cattle, except to the value of fifty dollars, in the same manner, and under the same regulations, that horses are now required to be listed for taxation.

(Approved February 13, 1834.)

CHAP. 391.—AN ACT to improve the navigation of Barren River, and for other purposes.

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Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that Henry G. Mitchell is the owner of a water grist-mill in Warren county, on Big Barren river, and that there is some discontent prevailing on account of the situation of said milldam, and an unwillingness on the part of said owner and many citizens of said county, to remove said dam; and whereas, it is confidently believed that said dam can be so altered and improved as to increase the usefulness of said mill, and better the navigation of said river: Therefore, with a view to these objects,

Recital.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said Mitchell be, and he is hereby authorised to erect and elevate a dam on the south side of the island where his mill is situated, at the head of said island, so as to increase and deepen the column of water on the north side of said island where said mill is situated, as much as may be necessary: *Provided, however,* Before the said Mitchell shall be permitted to erect and elevate a dam on the south side of said island as aforesaid, he shall, at his own expense, open a space in his dam where his mill is now located, at least forty feet wide, upon the following or some like plan, to wit: In the dam in the right hand chute where the mill is at present located, he shall cause to be placed across said opening or space of forty feet, as low as the bed of said stream, a sleeper; and by means of a groove in the same, and a beam extending across said space at an elevation of from four to six feet, with a corresponding groove to admit of the erection of a plank dam of that height, susceptible of being removed and replaced at pleasure.

H. G. Mitchell authorised to erect and elevate his dam with a view to the improvement of the navigation.

Proviso.

A plank dam to be erected for the passage of boats.

SEC. 2. *Be it further enacted,* That when the plank dam shall be so erected, it shall be, the duty of the said Mitchell to keep open and clear of all obstructions said space or plank dam, for the free passage of all boats during the season or seasons when Barren river is navigable.

To be kept clear of obstructions.

[Approved February 13, 1834.]

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CHAP. 392.—AN ACT to establish two Election Precincts in Pulaski County, and to change the place of voting in a Precinct in Hardin County, and for other purposes.

Pulaski precincts.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That two election precincts shall be, and the same are hereby established in the county of Pulaski: one to be held at Jefferson Gilmore's store, on the road leading from Somerset to Mount Vernon, and the other to be held at Seaton Lee's, on the road leading from Somerset to Columbia.

Judges, &c. to be appointed.

Sec. 2. *Be it further enacted*, That the county court of Pulaski shall appoint judges and clerks to the elections to be held in each precinct established by this act, who shall be governed in all respects by the laws now in force governing elections; and it shall be the duty of the sheriffs attending the elections in each precinct, to meet and compare the polls at the courthouse in the town of Somerset, on the day after the polls are closed.

Hardin county, place of voting changed.

Sec. 3. *Be it further enacted*, That hereafter the place of voting at John Miller's in the county of Hardin, shall be changed to the house of Robert Johnson in said county; and the judges and other officers appointed by the county court of Hardin for said place of voting, shall have the same power and authority that the general law upon elections will give them.

Hardin county, place of voting changed.

Sec. 4. *Be it further enacted*, That the place of voting in the precinct in Hardin county, heretofore held at John Price's, shall hereafter be changed to the house of William E. Wilson.

[Approved February 13, 1834.]

CHAP. 393.—AN ACT for the benefit of the Sheriffs of Washington and Wayne Counties.

Further time given to return delinquent lists and advertise lands for forfeiture.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriffs of Washington and Wayne counties have the further time of six months to return and have certified, in the manner required by law, any and all delinquent lists, which should have been returned and certified in the year eighteen hundred and thirty-three; and that said sheriffs have full power and authority within the time

aforesaid, to advertise for forfeiture any land that was required by the duties of their offices to have been advertised within the year eighteen hundred and thirty-three aforesaid; and all returns and advertisements which may be made by the sheriffs within the time herein allowed, shall be, to all intents and purposes, as valid as if they had been made in the time heretofore prescribed by law.

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[Approved February 13, 1834.]

CHAP. 394.—AN ACT for the benefit of the Cumberland Hospital.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of fifteen hundred dollars be, and the same is hereby appropriated for the benefit of the Cumberland Hospital, out of any money in the treasury not otherwise appropriated, as the means of supporting said institution, and building a house for the keeper to reside in.

[Approved February 13, 1834.]

CHAP. 395.—AN ACT to amend an act, entitled, an act to incorporate the Louisville Hotel Company.

Whereas, the Louisville Hotel Company, in violation of their corporate powers, have issued and are circulating promissory notes of the character and currency of bank notes, and are thereby introducing a spurious and unauthorised currency: For remedy whereof,

Preamble:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the President and Secretary of the Louisville Hotel Company shall be liable in their individual characters, jointly and severally, for the amount of each promissory note, of the character of a bank note, signed by them, and purporting to bind the Louisville Hotel Company to pay any person or bearer, or any person or order, any sum of money: and they shall be liable for the same to the holder, with costs and nine times the amount thereof, as a fine and penalty, for the violation of the corporate powers of said company, recoverable before any justice of the peace; and the plaintiff may enforce

President and directors of the company to be individually liable for its notes

1834. the collection by *feri facias*, or *copias pro fine*, at pleasure.

Charter to be forfeited for issuing bank notes.

Sec. 2. Should the Louisville Hotel Company presume to exercise the usurped privilege after the passage of this act, of issuing and circulating, or suffering to be issued or circulated, any such promissory notes, of the character and currency of bank notes, it shall be the duty of the attorney for the commonwealth for the fifth judicial district, to cause a *scire facias* to be issued against said Hotel Company, in the name of this commonwealth, without any prosecutor or relator, and have the corporate powers of said company abolished by the judgment of a competent legal tribunal: and it shall be the duty of the court arresting the corporate powers of said company, to cause the plates which said company have had engraved, to be delivered up and destroyed; and the court shall have power to enforce the delivery and destruction of their plates by fine and imprisonment.

No company or corporation to issue bank notes or exercise banking powers, unless the right to do so be expressly granted.

Sec. 3. That hereafter no company, corporation, or body politic, shall presume to issue and circulate promissory notes, bills, or checks, of the character and currency of bank notes, or to exercise any of the powers and privileges of banking, under any general provisions of their charters; and no charter shall be construed to confer the powers and privileges of banking, without a grant thereof in express terms.

A change of venue allowed.

Sec. 4. *Be it further enacted*, That the attorney of the commonwealth, in all prosecutions against the Louisville Hotel Company, for any breach of their charter, or for other violations of law, apply for and obtain a change of venue, if in his opinion the interest of the commonwealth may require it.

[Approved February 13, 1834.]

CHAP. 396.—AN ACT for the benefit of the Heirs of William Dorton, deceased.

Preamble.

Whereas, it is represented to the present Legislature, that Edward Dorton and his son, William Dorton, some years ago exchanged, by parol contract, their respective tracts of land; and that, in conformity to their contract, the said Edward entered upon the possession of the tract received by him in exchange, and the said William entered upon the tract received by

him; and whereas, the said Edward has ever since continued in possession of the land received by him, and the said William also held the possession of the land received by him until his death, and that the same has continued in possession of his widow and heirs ever since; and whereas, also, it is represented, that in making the exchange aforesaid, it was intended by the said Edward to advance his son, and that in fact, the exchange, if perfected by conveyances, will be greatly beneficial to the widow and infant heirs of said William Dorton. But unwilling to perfect the exchange by conveyance without the sanction of the Legislature, the said Edward has petitioned for the passage of a law on the subject: Wherefore,

1834.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the petition of the infant heirs of the said William Dorton, deceased, by their guardian, and the widow of said William, it shall be lawful for the circuit court of Floyd to make such orders and decrees, as may be necessary and proper, to cause conveyances to be made for the respective tracts aforesaid, in conformity to, and execution of, the contract for the exchange aforesaid; *Provided,* That it be made appear to the court, that the contract as made, would redound to the interest of the infants, if specifically executed: and *Provided, also,* That the right of dower, in the tract of which the said William died seized and possessed, be reserved to the said widow, unless she sees proper to renounce the same.

Floyd circuit court authorised to decree the execution of a verbal contract for the exchange of lands.

Proviso.

[Approved February 13, 1834.]

CHAP. 397.—AN ACT to amend an act to amend the law to establish a State Road from the mouth of Salt River, to intersect the State Road leading from Brandenburg to Bowlinggreen, approved January 15, 1831.

Whereas, an act passed January the fifteenth, eighteen hundred and twenty-nine, to establish a state road, leading from the mouth of Salt river to intersect the state road leading from Brandenburg to Bowlinggreen; and it is represented to this General Assembly, that the county courts of Hardin, Brackenridge and Meade have failed to lay off their respective parts of said road into precincts, and make orders for opening and cutting out the same, although the commissioners ap-

Preamble.

1834. pointed by said act have reviewed and marked said road, agreeably to the provisions of said act: Therefore,

County courts
of Hardin,
Meade and
Breckenridge to
order said road
to be opened in
their counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county courts of Hardin, Meade, and Breckenridge, *shall*, within nine months after the passage of this act, lay off their respective parts of said road into one or more convenient precincts, and make the necessary orders for cutting out the same, agreeably to the provisions of the act establishing said road, as reported by the commissioners.

[Approved February 13, 1834.]

CHAP. 398.—AN ACT to incorporate the Galt House Company.

Preamble.

Whereas, John J. Jacob, John S. Snead, Philip R. Gray, and their associates, have entered into an agreement to erect a large and convenient hotel, in the city of Louisville, on lot No. 13, on the north side of Main street, and at the corner of Main and Second streets, and have raised by subscription the sum of fifty-five thousand dollars, in shares of one thousand dollars each, and have appointed John J. Jacob, John S. Snead, Philip R. Gray, Henry H. Forsyth, and Mathew Ferguson, trustees; who have agreed for the purchase of said lot, and who are fully authorised by their associates to proceed in the construction of said hotel; and whereas, they have agreed that no subscriber shall be subjected to a greater call than ten per cent at any one time, nor to the payment of a greater sum than fifty per cent in any one year, and shall not be bound to pay any greater or further sum than the amount subscribed by each; and that any subscriber, failing to pay any call for twenty days after the same may be required by the trustees, shall forfeit his stock, and all sums paid on it, to the association; and covenanted to pay to the trustees the amount severally subscribed by them; and that said trustees should be under the direction of the stockholders; and that, in all meetings, each share shall be entitled to one vote, and a majority of votes to govern; and that, after the construction of the hotel, the rents and profits to be equally divided among the shareholders, in proportion to their interest; and agreed to procure an act of incorporation to facilitate the management of the business, and to have the

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shares declared personal estate; and if an act of incorporation should be procured, that the trustees should convey the said lot, or procure it to be conveyed, to the corporation; and whereas, the said Jacob, Snead, Gray, and their associates, have petitioned for an act of incorporation; Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said Jacob, Snead, Gray, and their associates, present and future, their successors and assigns, shall be, and they are hereby created a body politic and corporate forever, by the name of The President and Managers of the Galt House Company, and by that name and style, it shall be lawful for them to contract and be contracted with, to sue and be sued, implead and be impleaded, as natural persons, in all courts and places whatever; and to have and use a common seal, and to change and renew the same at pleasure; and to purchase and hold said half acre lot, No. 13, in the city of Louisville, and such adjoining ground as may be required to make the Galt House a large and convenient hotel; also such other ground in the city of Louisville as may be required for a stable and stable yard, and convenient carriage and out houses; and to purchase and hold all such materials as may be required in the construction thereof, and all such goods and chattels as may be needed in furnishing said hotel: and it shall be lawful for them to rent and demise the hotel and furniture, and the stables, &c. and all such rooms and store houses as they may construct in the erection of the Galt House, and which may not be needed as a part of the hotel. But it shall not be lawful for them to engage in any other business, and they shall not, under any pretence, issue and circulate promissory notes of the character of bank notes, or in anywise exercise any of the powers and privileges of banking.

Company in-
corporated.

Their powers.

Not to exercise
banking powers

Sec. 2. *Be it further enacted,* That John J. Jacob, John S. Snead, Philip R. Gray, Henry H. Forsyth, and Mathew Ferguson, shall, in pursuance of the prayer of the petitioners, be the first board of managers for said company; and they shall elect one of their own body President. The president and managers shall appoint a clerk, and keep a fair record of their proceedings, in which record shall be entered and recorded the original agreement of the shareholders, and their names in full; and the stipulations of said agreement shall always be binding on the company. They

President and
other officers to
be chosen.

1834. shall appoint a treasurer, and such other officers and agents as they may require, and may take bond and security from all officers and agents; and they may remove them all at pleasure; and the president and managers of said company shall manage and control the fiscal and prudential concerns of the corporation in all things.
- Stock of the company. SEC. 3. That said president and managers may, by an entry on their records, divide the shares of stock in said company into shares of one hundred dollars each; and they may procure the subscription of additional shares in said company, so as to extend the same to one thousand shares of one hundred dollars each, or to the sum of one hundred thousand dollars—which shall constitute the capital stock of said company. The stock shall be personal estate, for which the president and managers shall issue certificates to the owners—which shall be transferable in such manner as the company may prescribe by their by-laws.
- May make by-laws. SEC. 4. The stockholders shall have a right to make such by-laws, rules, and regulations, for the government of the corporation, and the direction of the president and managers, as they may deem expedient: also to fix the time of service of the president and managers, and the time and place of calling and holding general meetings of the stockholders, and of elections for president and managers, and who shall be eligible as such; but none of their rules and regulations shall be contrary to the constitution and laws of this state, or of the United States.
- Forfeiture of stock. SEC. 5. The president and managers shall have the right to declare when a stockholder has forfeited his stock and the payments made on it; but no such forfeiture shall be made by them without the service of actual notice on the delinquent stockholder, for the space of twenty days before the record of such forfeiture shall be made on the books of the company.
- Service of processes against the company SEC. 6. That it shall be sufficient service of process against the corporation, to execute the same on the president and clerk; and the corporation shall be bound to enter an appearance at the first term, and judgment by default may be entered, or a trial had, as though the corporation were a natural person.
- Liability of stockholders. SEC. 7. The stockholders shall be liable for any debts contracted by the corporation, out of their individual estates, to the extent of stock held by each; and the corporation shall not devote their funds, nor

extend their business to any thing but that which they are expressly permitted to do by this act; and the Legislature reserves the right to repeal or modify this act.

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[Approved February 13, 1834.]

CHAP. 399.—AN ACT to incorporate a Dock Company at Smithland.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be, and the same is hereby incorporated, by the name and style of the Smithland Dock Company, with a capital stock of twenty-five thousand dollars, divided into shares of fifty dollars each, for the purpose of erecting a floating dock at or near Smithland, at the mouth of Cumberland river, or a marine railway, should said company deem it expedient to construct one; and said company shall have power and authority to purchase and hold all such real estate as may be needed in the convenient use of a floating dock or marine railway, and all such materials as shall be needed in the construction of such dock and railway; and to contract and be contracted with, sue and be sued, and to perform all and singular the acts and things that individual proprietors of docks and railways might lawfully do in the construction, management, and disposition of the property; and they may make and use a common seal, and change, alter or renew the same at pleasure, and make by-laws regulating the time and place of electing officers of said company, and the period of their service, and the time and place of holding elections, and of filling vacancies that may arise in the offices, and who shall have power to do so, and the time and place of holding meetings of the stockholders, and generally to regulate the mode and manner of performing all acts in relation to the management and prudential concerns of said company, and the mode and manner of transferring the stock of said company, which is hereby declared personal estate; but none of the rules and regulations shall be contrary to the laws and constitution of this state or of the United States.

Company incorporated.

Capital stock.

May hold property, &c.

Their corporate powers.

SEC. 2. That the management of the affairs of said company and its prudential concerns shall be under the direction of a president and five managers, any three of whom shall constitute a quorum for the trans-

President and managers.

1834. action of business; and they may appoint such officers and agents as may be required for the transaction of the business of the company as may be agreed on, and who shall cause a particular record of their proceedings to be kept.

Managers appointed.

Books for subscription of stock to be opened.

SEC. 3. *And be it further enacted*, That William Gordon, Hamlett Ferguson, Henry Wells, William Smedley, Stanley P. Gower, Thomas McCormick, and David B. Sanders, shall be the first board of managers, who shall meet at any convenient place and time after the passage of this act, and who shall appoint any two or more of their own body to open books for the subscription of stock, at Smithland and such other places, either in or out of the state of Kentucky, as they may think most likely to accomplish the object herein contemplated, and may, if they think it necessary, advertise in one or more newspapers the time and place of opening books; or they may raise the stock by subscription, among steam-boat owners, or others interested, without advertising, as they may think most conducive to the interest of the company; and may have and make an agreement as to the time subscribers shall pay for their stock, or they may leave it to the discretionary calls of the president and managers.

Company, when to be organized.

SEC. 4. *And be it further enacted*, That when the sum of five thousand dollars shall be subscribed, the persons named as aforesaid shall meet and choose one of their own body president, and the corporation shall be considered as organized and authorised to proceed to the construction of the floating dock or railway; and they may thereafter proceed and sell the residue, or so much thereof as will be required in the construction of the works aforesaid; and when done, annual or semi-annual dividends shall be made of the profits.

[Approved February 22, 1834.]

CHAP. 400.—AN ACT to repeal the fifth section of the act, entitled, an act to regulate Endorsements on Executions, approved December 25th, 1820.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the fifth section of the act, entitled "an act to regulate endorsements on executions, approved December 25, 1820," be, and the same is hereby repealed.

[Approved February 22, 1834.]

CHAP. 401.—AN ACT providing for the sale of the lands of James Tutt, deceased.

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Whereas, it is represented to the present Legislature, that James Tutt, late of Woodford county, departed this life, leaving a wife and several infant children; and that he had at the time of his death, a small tract of land in said county, and some little personal estate, but all of which is inadequate to pay his debts: and whereas, also, the creditors of said Tutt have signified to the widow their willingness for her to have the full one third part of the proceeds of the sale of the land, as her absolute property, provided that she will consent to a sale of the land, for the purpose of satisfying the debts of her deceased husband: Wherefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That upon the petition of the widow of said Tutt, and his infant children by their guardian, it shall be lawful for the circuit court of Woodford to order and decree the sale of the land belonging to the said James Tutt, deceased, at the time of his decease: *Provided*, That it be made appear to the court, that a sale thereof is necessary for the payment of his debts; and *Provided*, also, that it be made appear by writing, signed by the creditors that they are willing for the widow of said Tutt to receive and have, as her absolute property, one third of the proceeds of the sale of the land aforesaid.

Woodford circuit court authorised to decree a sale of a tract of land

SEC. 2. *Be it further enacted*, That in case a sale is decreed, it shall be competent for the court to order the same to be made at such time, and on such credit, as may be deemed proper, and to make such orders and decrees as may be necessary and proper to cause the title of the land sold to be conveyed to the purchaser, and two thirds of the proceeds of sale to be paid to the creditors in such proportions as may be equitable, and the other third to be paid to the widow as her absolute property.

[Approved February 22, 1834.]

CHAP. 402.—AN ACT for the benefit of William Fisher.

Whereas, it is represented to the present General Assembly of the Commonwealth of Kentucky, that a certain William Fisher, of Bourbon county, is and has

Preamble.

1834.

been an idiot from his birth, and that he inherits by descent from his father, Thomas Fisher, deceased, a small piece of land lying in said county, containing about six and three fourth acres, being the interest of said William Fisher in his mother's dower of the land of his father, Thomas Fisher, deceased, the said land being undivided and unproductive as it now stands:

Bourbon circuit court may decree the sale of land belonging to an idiot.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon a petition being presented to the Bourbon circuit court by the committee of the said William Fisher, which must be sworn to, setting forth the facts of the case, the judge thereof may, in his discretion, order the sale of said land, upon such terms, and in such manner as he may deem advisable, having regard to the interest of the widow of said Thomas Fisher, if she has any—the proceeds of said sale to be applied by the committee of said idiot, or such other responsible person as the court may appoint, towards the support and maintenance of said William Fisher; such committee or other person first executing bond and security in said court, to the commonwealth, conditioned for the faithful performance of the orders of said court, and the application of the proceeds of said sale, as directed by this act.

Title to be made.

Sec. 2. *Be it further enacted,* That the court decreeing a sale of said land, shall have such title made to the purchaser thereof as said court may deem proper.

[Approved February 22, 1834.]

CHAP. 403.—AN ACT requiring clerks to renew their bonds, and authorising motions against defaulting sheriffs, collectors, and clerks, at the June term, 1834, of the General Court.

Clerks to renew their bonds.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That on or before the first of July, eighteen hundred and thirty-four, it shall be the duty of the several circuit and county court clerks in this commonwealth, to renew their official bonds, with a condition that said clerks shall faithfully pay over, as required by law, all taxes and money belonging to the commonwealth, which has or shall come to their hands under existing laws, or laws which may be hereafter enacted; and the same condition shall be contained in the bonds of the circuit and county court clerks at each and every renewal.

SEC. 2. *Be it further enacted,* That it shall be the duty of the several circuit and county court clerks to file with the auditor of public accounts certified copies of the renewed official bonds, on or before the first of October, eighteen hundred and thirty-four; and each and every clerk who shall fail to renew his official bond, or to file the same with the auditor as herein required, shall forfeit five hundred dollars; and the auditor shall move against the defaulting clerk in the general court for the penalty, at the same time and in the same manner he is required by law to move against defaulting clerks, for failing to pay over taxes and public dues, which may come to their hands.

1834.

Penalty for failing to renew & file copies of the bonds in the auditor's office.

SEC. 3. *Be it further enacted,* That it shall be lawful for the auditor to move against defaulting sheriffs, collectors, and clerks, at the June term, eighteen hundred and thirty-four, of the general court, under the law and in the mode authorising motions at the January term of said court against said officers.

Auditor may move against sheriffs, &c.

[Approved February 22, 1834.]

CHAP. 404.—AN ACT for the benefit of the Heirs of James Y. Kelly, deceased.

Whereas, it is represented to the present Legislature, that James Y. Kelly, deceased; late of Scott county, departed this life, leaving a tract of land in the vicinity of Georgetown, on the waters of North Elkhorn, containing about one hundred and fifty acres, and a number of heirs, part of whom are infants under the age of twenty-one years, and that said tract cannot conveniently be divided, and the heirs have petitioned for the passage of a law authorising the sale of the land: Wherefore,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the circuit court of Scott county, upon the petition of the adult heirs of said Kelly, and the guardian or guardians of such as are infants, to make such orders and decrees as may be necessary and proper to cause a sale and conveyance of said tract of land, and require all needful bond or bonds to be executed, to secure a payment of the proceeds of sale to such person or persons as may be entitled thereto, and at such time and times as the court may order and direct:

The circuit court of Scott may decree a sale of land belonging to infants, &c.

Q*

1834.

Proviso.

Provided, however, That before a sale of the land is ordered or decreed, the court shall be satisfied that the sale will redound to the interest of the infants, and see that all proper and needful bonds are executed by the guardian or guardians of the infants, to secure the rights and interest of the infants.

Sale, when to
be made.

Sec. 2. *Be it further enacted,* That the sale may be directed to be made at such time and on such credit, as the court may deem most to the advantage of the infants; and it shall be the duty of the court to make such orders and decrees as may be necessary to pass the title of the land to the purchasers.

(Approved February 22, 1834.)

CHAP. 405.—AN ACT to legalize the proceedings of the Casey County Court.

Whereas, it is represented to the present General Assembly, that the county court of Casey was held on the first Mondays in the months of March and April last, instead of the second Mondays, being the days appointed by law: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proceedings of the said county court of Casey county, be valid, and are hereby legalized, to all intents and purposes, as if held on the second Mondays of said months of March and April.

[Approved February 22, 1834.]

CHAP. 406.—AN ACT concerning the County Court of Fleming County, and to change the time of holding the Clay Circuit Court.

Fleming county
court to be held
in each month.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Fleming shall in future be allowed to hold twelve terms in each and every year, in place of nine, as is now allowed by law.

Time of hold-
ing courts.

SEC. 2. *Be it further enacted,* That said county court of Fleming shall hold their terms on the fourth Monday in every month, commencing on the fourth Monday in March next.

SEC. 3. *Be it further enacted,* That the circuit court for the county of Clay shall, after the spring term in the present year, commence and be held on the first Mondays in April, July, and October, and continue six juridical days, if the business shall require.

1834.

Time of holding Clay circuit court changed.

[Approved February 22, 1834.]

CHAP. 407.—AN ACT incorporating the Maysville Insurance Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Richard Collins, William Hodge, William Huston, jr., John B. McIlvain, John M. Morton, Christian Shultz, and Robert S. Langhorn, together with their associates and successors, and assigns, be, and they are hereby created and made a corporation and body politic, under the name and style of the "Maysville Insurance Company," and shall continue until the first day of January, eighteen hundred and fifty-five; and by that name, are made capable in law to have, purchase, or receive, possess, enjoy, and retain, to them and their successors; lands, rents, tenements, goods, chattels, public or private securities of kind, quality, or nature whatsoever, and to sell and dispose of the same at any time, or in any manner; and sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of record, or in any place whatsoever: *Also,* to make and use a common seal, and the same to break, alter, or renew at pleasure; also, to ordain, establish, and put into execution, such by-laws as may be necessary and convenient for the government of said corporation, not contrary to law: *Provided,* That the said corporation shall not be capable in law to have, purchase, receive, possess, enjoy, or retain, more lands or tenements than is necessary and proper to enable it to transact its business, in carrying into effect the objects of this charter.

Company incorporated.

Their powers,

Proviso.

SEC. 2. The capital stock of said company shall be one hundred thousand dollars, in one thousand shares of one hundred dollars each.

Stock, how subscribed.

SEC. 3. The corporators named in this act, or any two of them, shall, within thirty days after the passage of the same, give notice in one or more of the newspapers printed in the city of Maysville, of the

1834.

President and
directors to be
chosen.

time and place of opening books for the subscription of stock; and when the whole of said stock has been subscribed, the persons who gave the first notice shall give a like notice of a meeting of the subscribers, when ten dollars shall be paid in hand on each share subscribed for, and the remaining ninety dollars in each share secured by note of hand, with one or more sufficient security or securities, payable to said corporators for the use of said company: and such notes so given, shall be paid at such time or times as the president and directors of said company may direct; and all such subscribers as shall fail to pay ten dollars on each share subscribed for, and execute a note with security or securities as aforesaid for the balance, on the day designated in the second notice, shall cease to be stockholders, and the stock subscribed for by them may be subscribed for by others, under the direction of the persons who received the original subscription; and as soon as the ten dollars on each share is paid, and the remaining ninety dollars secured as aforesaid, the said corporators or some one of them shall give a public notice for a meeting of the stockholders, to choose a president and six directors; and the said corporators shall be inspectors of the first election of president and directors, and shall certify under their hands the names of those duly elected, and deliver over the subscription books, money, and notes, to the president and directors; and in case of the death or resignation of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the board of directors; and in case of the absence of the president, the board of directors shall have power to appoint a president, *pro tempore*, who shall for the time being have the powers and functions of the president.

Annual election of president and directors.

SEC. 4. After the first election, the annual elections for president and directors shall be held on the first Monday in January in each year, and in case it should at any time happen that an election for president and directors shall not be made on the day designated by this act, the corporation shall not for that cause be dissolved, but it shall and may be lawful to hold and make an election of president and directors, in such manner as shall have been regulated by the by-laws of said corporation: *Provided*, That such an election is made within one hundred and twenty days thereafter.

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SEC. 5. The stock of said corporation shall be assignable and transferable, and shall be considered as personal property; and if any subscriber, his or her assignee, or transferee, shall refuse or neglect to pay the second and third instalment called for and demanded by the president and directors aforesaid, within sixty days after the time designated for the payment of such instalment, such subscriber, his or her assignee, or transferee, shall forfeit each and every share on which the payment shall not be duly made, on account of the shares so forfeited; and new subscriptions may be opened for the shares so forfeited, and when the stock is taken, after paying the instalment for which forfeited, the residue of the share or shares shall be secured by security or securities as aforesaid.

Stock assignable.

May be forfeited.

SEC. 6. In the election of president and directors, and for deciding all questions in general meetings of the stockholders, each and every stockholder shall be entitled to as many votes as he or she has shares. No stockholder shall vote at any election for president and directors, after the first election, unless the share or shares which he or she may represent, shall have been standing in his or her name in the books of said corporation, for at least three months previous to such election.

Stockholders to have as many votes as shares.

SEC. 7. The corporation hereby created shall have power to make all kind of insurance against fire, and also to make all kind of insurance on vessels, boats, and crafts of any description, on the interior rivers, lakes, bays, bayous, or canals, in the United States, as well as on goods, wares, merchandise, produce, specie, freights, and every description of property, transported by land or water, within the United States—or by sea, from any port in the United States to any other port in the United States; and likewise to make insurance on lives by sea, on water and on shore; and to contract for, grant and sell annuities, and to make all kinds of contracts in which the casualties of life are principally involved: and every such contract, bargain, agreement, and policy, to be made by the said corporation, shall be in writing or in print, and shall be signed by the president, and attested and signed by the secretary or clerk, who may be appointed by the president and directors for that purpose.

Corporate powers.

SEC. 8. It shall be the duty of the president and directors, on the first Monday in January and July in each and every year, to make a dividend of so much

A quorum, to do business.

1834.

Dividends to be declared.

of the profits of said corporation, as to them, or a majority of them, shall appear advisable; and in case of any loss or losses, whereby the capital stock of the corporation shall be impaired or lessened, no subsequent dividends shall be made until a sum sufficient to such diminution, and arising from the profits of said corporation, shall have been added to the capital.

A quorum to do business.

SEC. 9. The president and three directors, or in case of the absence of the president, four directors of the said corporation, shall form a board, and be competent to transact all the business of the corporation; and they shall have full power to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects; and shall also have power to appoint a secretary, and such other officers, for carrying on said business, as to them shall seem meet; and to establish and fix such salaries and allowances to them, and also to the president, as to the said board shall appear proper: and the said board, by its order, may vest in the president and secretary power to make insurances, agreeably to this act; and the acts of such president and secretary, when done, shall be binding and obligatory on it to all intents and purposes.

By-laws.

Officers may be appointed and paid.

President and directors may be vested with power to make insurances.

Not to exercise banking powers

SEC. 10. The said corporation shall not issue notes or bills, nor shall the said corporation deal in exchange or exercise any other banking powers.

[Approved February 22, 1834.]

CHAP. 408.—AN ACT for the benefit of the Sheriff of Madison County.

Retained.

Whereas, it appears that Robert Caldwell, late sheriff of Madison county, in the year 1830, paid into the treasury the sum of thirty-nine dollars and seventy-eight cents, for and on account of an additional revenue list for the year 1828, transmitted to him for collection by the auditor of public accounts; since which payment, Addison Moran, deputy for said Caldwell, has collected on said list eight dollars and sixty-eight cents, and the county court of said county has allowed the balance of said list as delinquent: Therefore,

Allowance out of the public treasury.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there be allowed*

and paid to the said Robert Caldwell, the sum of thirty-one dollars and ten cents out of the public treasury.

1834.

SEC. 2. *Be it further enacted*, That it shall and may be lawful for the sheriff of Madison county, by himself or deputy, to return, at the next court of assessment to be holden for the thirty-fifth regiment Kentucky Militia, his delinquent list of fines for the years 1830, '31, and '32, until said court shall receive and allow the said list, in the same manner as though it had been returned in the time prescribed by law.

Further time given the sheriff to return his delinquent lists of militia fines.

[Approved February 14, 1834.]

CHAP. 409.—AN ACT to appoint a keeper or keepers of the Penitentiary, and for other purposes.

Whereas, Joel Scott, the present keeper and agent of the Penitentiary, has expressed a desire to retire, and that the contract between him and the commonwealth now existing, shall cease and determine on the first day of March next: Wherefore,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the tenth day of March next, the said Scott and his securities shall be discharged from all and any obligation which they may now be under for a performance by said Scott, after that time, of the duties of keeper of the penitentiary, and no further: *Provided*, That within ten days from the passage of this act, the said Scott and his sureties, or as many of them as are in the state, file with the Secretary of State their written assent to the provisions of this act, and express therein their willingness to remain bound under their original contract, to the full extent thereof, except so far as the same requires said Scott to perform the duties of keeper after the said tenth day of March; and *Provided, also*, That except as to the performance of the duties of keeper of the penitentiary after the said tenth day of March, the obligation heretofore given by said Scott and his sureties shall remain as binding and obligatory upon them as if this act had not passed.

Scott and his securities discharged from their obligation.

Proviso.

SEC. 2. *Be it further enacted*, That in case the written assent aforesaid, in manner and form aforesaid, is filed with the secretary in the time prescribed as aforesaid, John Glover, Benjamin R. Pollard, Thomas S. Page, John Woods, and Robert Brown, are hereby

Commissioners appointed to value tools, &c.

1834.

Com'rs to make
an inventory of
raw materials
and manufac-
tured articles
and debts.

Materials, &c.
to be sold, and
debts collected
by Scott, who is
to report to the
Legislature.

Keeper to be
elected.

appointed commissioners, any three of whom may act, on the part of the commonwealth, whose duty it shall be to proceed, with all practicable dispatch, to value and fix a reasonable price on all the tools, bedding, bedclothes, and wearing apparel of the convicts in the penitentiary, and take an inventory thereof; and deliver said tools to the keeper or keepers hereafter appointed, who shall receipt for the same; and the receipt so given shall be lodged by the commissioners with the auditor of public accounts; who shall thereupon cancel the receipt of said Scott for similar articles received by him, as keeper of the penitentiary, and now filed in the auditor's office; and the difference that may appear between the receipt of said Scott, and the keeper or keepers to be appointed, shall be charged to which ever the balance may fall against.

The commissioners shall also make a separate inventory of all the raw materials and manufactured articles belonging to the institution, and all the debts, whether owing the penitentiary by bond, note, or book account, and also lodge the said inventory with the auditor. And it shall be the duty of said Joel Scott, the present agent of the penitentiary, to take charge of all the raw materials and manufactured articles, together with the debts owing the institution as aforesaid, and proceed forthwith to make sale of the raw materials and manufactured articles, and collect the debts due or to become due for sales which have been made, or which may be made, and quarter-yearly pay into the treasury all sums of money received by him, or so much thereof as the state may be entitled to, and report to the next Legislature, within the first week after the commencement of the session, whatever he may have done, and exhibit in his report the amount of articles sold, and the articles which may be unsold, if any, and the debts collected, and those which may not be collected, if any.

SEC. 3. *Be it further enacted,* That a keeper or keepers, and agent or agents, shall be elected by joint vote of the Legislature at the present session, who shall have the whole and sole management of the penitentiary, and to continue in office as such, until the first day of March, eighteen hundred and thirty-nine, subject, however, to removal by the Legislature, whenever in their opinion said keeper or keepers shall fail to manage said institution in such manner as the interest of the state may require.

SEC. 4. *Be it further enacted*, That there shall be advanced to said keeper or keepers in raw material and cash, out of the first sale of manufactured articles in the penitentiary, the sum of six thousand dollars; on which sum the keeper or keepers shall pay an annual interest of six per centum, to be computed from the time he or they shall receive the same; and the said keeper or keepers shall, at the expiration of the time he or they may continue as keeper or keepers, refund and pay into the treasury the said six thousand dollars, with the interest due thereon: *Provided*, nevertheless, that said keeper or keepers may return the money so advanced, with interest as aforesaid, at any earlier period.

1834.

\$6,000 to be advanced to the keeper.

SEC. 5. *Be it further enacted*, That it shall be the duty of the said keeper or keepers to employ not less than four suitable persons, as a guard for the safe keeping of the convicts: *Provided*, That no person shall be employed as a guard without the approbation of the Governor.

Guards to be employed.

SEC. 6. *Be it further enacted*, That it shall be the duty of the said keeper or keepers to employ one or more fit persons as clerks, whose duty it shall be to keep a true and faithful account of all the transactions, expenditures and income of said institution, and to make a just report thereof when thereunto legally required: *Provided*, That no person shall be employed as clerk without the approbation of the Governor; nor shall any person act as clerk until he shall take an oath before some justice of the peace, faithfully and impartially to discharge the duties of clerk of the penitentiary.

And clerks.

SEC. 7. *Be it further enacted*, That said keeper or keepers shall be at liberty to erect in said institution, free from cost to the state, such machinery for the manufacture of wool, cotton, or other articles, as he or they may deem best calculated to promote the interest of the institution; and for such purposes the labor of the convicts may be employed: *Provided*, All machinery so erected, shall, at the expiration of the time said keeper or keepers may continue, be the sole property of the state.

Machinery may be erected.

SEC. 8. *Be it further enacted*, That it shall be the duty of the keeper or keepers annually, and during the first week of the Legislature, to render a just account of the condition of the penitentiary—exhibiting therein an accurate statement of the debts, credits and

Keeper to report annually to the Legislature.

1834. balance for or against the institution; and to keep his or their books and accounts at all times open for the inspection of the Legislature, or such person or persons as may from time to time be appointed for their examination.

Further duty of
the keeper.

SEC. 9. *Be it further enacted*, That it shall be the duty of said keeper or keepers to take upon himself or themselves the whole management and expense of said institution; to procure the raw materials to manufacture; to dispose of all articles manufactured in said institution, in such manner as he or they may deem best for the interest thereof; to provide for clothing and victualling the convicts—for their guard and safe keeping, and to defray all other expenses incident to the management and well being of said penitentiary, and see that an accurate account thereof is kept by the clerk or clerks in the books of the institution.

Keeper's com-
pensation.

SEC. 10. *Be it further enacted*, That the said keeper or keepers shall receive as a compensation for his or their services and liabilities in the management of said institution, one equal moiety of the nett profits thereof, after defraying all the expenses of the institution; and in the event of his or their removal or death, he or they, or his or their representatives, as the case may be, shall be entitled to his or their just proportion, up to that time, of the nett profits of said institution: *Provided*, That in no event shall any machinery erected by said keeper or keepers in said institution, be taken into the account.

His oath.

SEC. 11. *Be it further enacted*, That before the said keeper or keepers shall enter upon the discharge of his or their duty, as keeper or keepers, and agent or agents of the penitentiary, he or they shall each take the following oath: "I (or we) do solemnly swear that I (or we) will faithfully and impartially discharge the duties of keeper (or keepers) and agent (or agents) of the penitentiary, according to law." And the said keeper or keepers shall also enter into bond, in the office of the Secretary of state, with five or more securities, to be approved of by the Governor, in the penal sum of fifty thousand dollars, payable to the Commonwealth of Kentucky, conditioned that he or they will faithfully perform the duties of keeper or keepers, and agent or agents of the penitentiary, according to law, and perform all duties imposed by this act, and to refund the six thousand dollars, as provided by this act to be advanced by the state, with interest; and that he

To give bond
and security.

or they will pay into the treasury, from time to time, such proportion of the profits of said institution as may be due to the state, and also all other moneys which may from time to time be in his or their hands, belonging to the state; which bond shall be filed with the auditor, and may be sued upon on behalf of the Commonwealth, as often as the conditions thereof shall be violated.

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SEC. 12. *Be it further enacted*, That in the event of the death of the keeper or keepers herein appointed, or his or their refusal to qualify or give bond, agreeably to the provisions of this act, it shall be the duty of the Governor to appoint a keeper or keepers, and agent or agents of the penitentiary, who shall continue in office until the end of the next session of the Legislature, unless otherwise provided for by law.

Vacancy of the
office of keeper
to be filled.

SEC. 13. *Be it further enacted*, That the auditor, treasurer, register and attorney general, be, and they are hereby appointed a board of visitors, whose duty it shall be to visit the penitentiary as often as they may deem proper, and at least once in each month, and make examination of the state of the institution, the health of the convicts, the manner of dieting them, the cleanliness of the cells, and the treatment of the convicts generally, and make such report to the Legislature as the condition of the institution may require.

Visitors ap-
pointed.

SEC. 14. *Be it further enacted*, That the exercise of the right of reprieve or pardon by the Governor, shall not at any time be considered by said keeper as a violation of the provisions of this act: *Provided, however*, That if the state's proportion of nett profits of said institution shall, in any year, fall short of the sum of one thousand dollars, the said keeper or keepers shall make up the deficiency, so as to guarantee a clear profit of at least one thousand dollars per annum to the state; and the bond to be executed by the said keeper or keepers, shall contain a clause binding him or them to comply with the requisitions of this proviso.

Governor may
reprieve con-
victs.

State's profits
not to be less
than \$1,000.

SEC. 15. *Be it further enacted*, That when any convict, who has been confined in the penitentiary, shall be discharged therefrom, the keeper or keepers of the penitentiary shall pay to said convict the sum of five dollars, which sum shall be paid out of the profits of the institution accruing to the state.

Amount to be
paid to convicts
when discharg-
ed.

SEC. 16. *Be it further enacted*, That it shall be the duty of the keeper or keepers and agent or agents of the penitentiary, to cause to be erected within the

New workhouse
to be erected.

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tain, he took from his successor a bond with security to comply with his, said Moore's undertaking to the commonwealth as aforesaid, and delivered to his said successor the aforesaid arms, which bond the said Moore has lost by time or accident; that owing to the great lapse of time which has intervened, and the many changes that have taken place in said company, by death, removals, and other causes, only nine stand of said arms can be found, and it is believed that none of the residue will ever be found by any exertion that can be made: For remedy whereof,

Moore released from liability to the state for public arms drawn by him as a captain of infantry, upon his returning those that can be found.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon the said Charles C. Moore advertising for sixty days, in four of the most public places within the former bounds of said company, requiring the delivery of said arms without delay at some place to be named by the said Moore; and also procuring the certificate of the commandant of said regiment, that said Moore has diligently searched for, and used ordinary exertions to procure said arms; and in case the said Moore shall, on or before the first day of September next, deliver to the quartermaster-general all of said arms that can be procured, making affidavit that the number delivered is all that he has been able to procure, it shall be the duty of the said quartermaster-general to release and discharge the said Charles C. Moore and his securities from his aforesaid undertaking to deliver said arms, as before recited: *Provided, however,* That if any of said arms shall, at any time thereafter, be found, the claim of the commonwealth to the same shall be as valid as though this act had not passed.

Preamble.

And whereas, Levi Van Camp, of Mason county, late a captain of a light infantry company in the twenty-ninth regiment of Kentucky Militia, received sixty stands of infantry arms from the quartermaster-general, and entered into bond bearing date the first day of December, eighteen hundred and twenty-six, to the Commonwealth, with Jabez Shotwell and John Shotwell as his securities, to safely keep or return the same to the said quartermaster-general; and it appearing to the present General Assembly, that the said Van Camp has returned all the said arms except eight stands thereof, which eight stands have been lost or destroyed by causes not within his control: Therefore,

Van Camp released in like manner.

Sec. 2. *Be it further enacted,* That the said Levi Van Camp, Jabez Shotwell, and John Shotwell, be,

and they are hereby released from all liability on their said bond, on the same conditions extended to the said Charles C. Moore, by the provisions of this act.

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[Approved February 22, 1834.]

CHAP. 413.—AN ACT to incorporate the Walnut Hill Seminary, in Warren County.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Byram, Rial Matlock, George O. Harris, James Hudspeth, and Levi Skaggs, be, and they are hereby constituted a body corporate and politic, and shall be called and known by the name of the "Trustees of the Walnut Hill Seminary."

Trustees appointed and incorporated.

Sec. 2. *Be it further enacted*, That the aforesaid trustees and their successors in office, shall have full power and authority to demand, sue for, and receive, all sums which may have been, or which may hereafter be subscribed for the use and benefit of the seminary; and may apply the same in such way as to them, or a majority of them, may seem most for the benefit of the seminary. They shall be vested with the legal title to all estate, real, personal, or mixed, which may be acquired; may sue and be sued as other like corporations, receive conveyances for any real estate that may have been contracted, or may be contracted for, or given to said seminary.

Trustees may hold property, &c.

Sec. 3. *Be it further enacted*, That said trustees may pass by-laws for the regulation, good order, and advantage of said seminary, and own and possess estate not exceeding ten thousand dollars.

May pass by-laws.

[Approved February 22, 1834.]

CHAP. 414.—AN ACT to incorporate the Danville, Lancaster, and Nicholasville Turnpike Road Company.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed under the name, style, and title of the Danville, Lancaster, and Nicholasville Turnpike Road Company, for the purpose of forming and making an artificial road.

A company incorporated, and style thereof.

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Amount of the capital stock.

**May be in-
creased if ne-
cessary.**

Books for the subscription of the stock to be opened in Danville.

Lancaster,

Burnt tavern,

Nicholasville

and Lexington.

Form of the obligation to be signed by the subscribers.

**Notice of the
time and place
of receiving sub-
scriptions to be
given.**

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each; and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act, then the president and directors may enlarge it to such amount as they may deem necessary, and open subscription therefor, in such manner as they may think proper.

SEC. 3. *Be it further enacted,* That books for the subscription of stock in said company, shall be opened on the third Monday in April next, or as soon thereafter as convenient, at the town of Danville, in Mercer county, under the direction of David J. Ayres, Phineas G. Rice, Charles Henderson, Charles Caldwell, Joseph McDowell, and Thomas Downton; at Lancaster, in Garrard county, under the direction of George Robertson, Joseph Hopper, John Gill, and Simeon H. Anderson; at the Burnt Tavern, also, in said county, under the direction of Alexander Sneed, Edmund Smith, William Hoskins, and George Bowman; at Nicholasville, in Jessamine county, under the direction of George I. Brown, George W. Brown, John H. Hanley, William Shrieve, and William Hogan; at the city of Lexington, under the direction of Richard A. Curd, John Norton, David Megowan, William W. Whitney, Richard H. Chinn, Alfred Warner, and James G. McKinney, or some two or more of them at each place, who are appointed commissioners. The said commissioners for each place, shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, to wit: "We, whose names are hereunto subscribed, promise to pay to the President, Directors and Company of the Danville, Lancaster, and Nicholasville Turnpike Road Company, the sum of one hundred dollars for every share of stock in said company set opposite to our names, in such manner and proportion, and at such times as they shall be required by the president of said company, and agreeably to an act of the General Assembly of Kentucky, incorporating said company. Witness our hands, this _____ day of _____ 1836."

eighteen hundred and thirty four." The said commissioners, or a majority of them, shall give notice in one or more of the newspapers printed at Lexington, and the paper printed at Danville, of the time and

places of opening the books for the subscription of stock in said company, and that they will continue open until the amount of capital stock shall be subscribed.

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SEC. 4. *Be it further enacted,* That so soon as forty thousand dollars shall be subscribed, the said commissioners, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders and hold an election for a president and seven directors, who shall hold their office for one year, and until others shall be duly elected and qualified. And the said president and directors shall, before they enter upon the duties of their office, take an oath before some justice of the peace, that they will faithfully discharge the duties of president, or directors, (as the case may be,) without favor or affection, according to the best of their judgment. That upon the qualification of the president and directors, they shall appoint a treasurer and such other officers as they may deem necessary, who shall hold their office for one year, and until others shall be appointed. The treasurer of said company shall, before he enters into the duties of his office, give bond, with two or more good securities, in such penalty as the president and directors may direct, payable to the president and directors of said company, conditioned that he will faithfully discharge the duties of treasurer of said company; and that he will, when called on, pay the amount of money in his hands, to the order of the president and directors; and that he will perform the duties required of him by the by-laws of said company.

Whenever stock to the amount of \$40,000 is subscribed, a general meeting of the stockholders to be called for the election of a president and directors. The president and directors to take an oath of office.

To appoint a treasurer and other officers.

The treasurer to give a bond with security.

Condition thereof.

Sec. 5. *Be it further enacted,* That upon the election and qualification of the president and directors as aforesaid, they shall be a body politic and corporate in deed and in law, by the name, style, and title of the "Danville, Lancaster, and Nicholasville Turnpike Road Company;" and by the said name, the said company shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof; and of purchasing, taking, and holding, to them and their successors and assigns, and of selling, transferring, and conveying, in fee simple, all such lands, tenements, and hereditaments, and estate, real and personal, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, an-

Upon the election of Officers, the company made a corporate body. Style thereof.

With the powers usually granted to corporations. To hold their capital stock and profits.

To purchase, hold, sell and convey real and personal estate. To sue and be sued.

1834.

swer and be answered, defend and be defended, in courts of record, or any other place whatever; and also to have a common seal, and to do all and every matter and thing which a body politic or corporate may lawfully do.

Subscriptions
for stock autho-
rised on the
part of the state
by the Govern-
nor.

Sec. 6. *Be it further enacted*, That so soon as the sum of forty thousand dollars in stock is subscribed, and the president and directors are elected and qualified as aforesaid, it shall be the duty of the Governor of Kentucky for the time being, to subscribe for, and on behalf of the state, the sum of twenty thousand dollars in the stock of said company; and when a further subscription of thirty thousand dollars shall be made by individuals or bodies corporate, the Governor shall subscribe on behalf of the state for ten thousand dollars more in said stock, to be paid by instalments, as provided for in the sixth section of this act, like other stockholders; which sum the president and directors are allowed to draw for upon the treasurer, out of the funds provided by an act of assembly, passed at the present session, entitled, an act to provide for the payment of subscriptions and appropriations to objects of internal improvements.

When and out
of what funds
to be paid.

Regulations in
regard to voting
on the stock.

Sec. 7. *Be it further enacted*, That the number of votes to which each stockholder may be entitled, shall be according to the number of shares he shall hold; and after the first election, no share or shares shall confer a right of voting, which shall not have been holden three months previous to the election. The stockholders may vote in person or by written proxy; and no person who is not a resident of one of the counties through which the road passes, and a stockholder, shall be eligible to the office of president, director, or treasurer; and the president and directors shall cease to be such on his or their ceasing to be a stockholder. The annual election for a president and directors shall be held on the first Monday in May, at such place as the president and directors may direct: at which time, the president shall lay before the stockholders an expose of the situation of said company, and also the record of their proceedings for the preceding year. The company shall have power to fix the days and places of their annual meetings and general elections, and pass all by-laws necessary for the regulation of their proceedings and interests.

Who may be
officers in the
company.
None but stock-
holders can be
president or di-
rectors.
Annual meet-
ings to be held
for the election
of those officers.
Statements to
be submitted to
the meeting.
The days of the
annual meet-
ings and elec-
tions to be fixed
by the company.
Certificates of
stock to be is-
sued.

SEC. 8. *Be it further enacted*, That the president and directors first chosen as aforesaid, shall deliver a certi-

cate signed by the president and countersigned by the treasurer, and sealed with the seal of said corporation, to each shareholder, for the stock by him subscribed and held—which certificate or certificates shall be transferable on the books of said corporation, in person or by attorney; but no share shall be transferred, until all the calls and arrearages are paid thereon. The original certificate of the share or shares transferred, shall be surrendered, and a new certificate shall issue to the purchaser, who shall then be a member of, the said corporation, and entitled to all the privileges and benefits that the original owner was entitled to.

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Stock may be transferred.

And the transferee entitled to all the rights of the original subscribers.

Sec. 9. *Be it further enacted*, That the president may call meetings of the directors at such times and places as he shall think proper: a majority of all the directors shall be necessary for the transaction of business. They shall keep a record of their proceedings, to be entered in a book provided for that purpose, and shall be signed by the president; and in case of the absence of the president, the directors shall elect a president, *pro tempore*, and they shall adjourn from time to time, as they may think proper. The board of directors may also allow the president and treasurer such compensation for their services as may be deemed reasonable and expedient.

Call'd meetings may be held. A quorum to do business. Pres. & Dir's to keep a record of their proceedings. May elect a president pro tem.

May allow compensation to officers.

Sec. 10. *Be it further enacted*, That the president and directors shall have power to fill vacancies in their own body, occasioned by death, resignation, or otherwise; to agree with and appoint all such surveyors, engineers, superintendants, artists, and officers, as they shall judge necessary to carry on the contemplated work; to fix their salaries and wages, and to remove any of them at pleasure; to provide the time, manner, and proportions, in which the stockholders shall make payments on their respective shares, to carry on said work; to draw orders on the treasurer for all moneys necessary therefor, and to do all such matters and things, as by this charter and the by-laws of the corporation, they are authorised to do.

Authorised to fill vacancies in their own body.

To appoint their officers, engineers, &c. fix their wages, &c.

To make calls on the subscribers of the stock.

Draw orders on the treasurer.

Sec. 11. *Be it further enacted*, That the president shall give notice in the newspaper, if any, printed at Danville, and in one or more printed at Lexington, for at least thirty days, of the amount of the call on each share of the stock, and of the time of payment; and if any stockholder shall neglect or refuse to pay his proportion of the stock for the space of thirty days

Notice of calls on the stockholders to be given.

Penalty for a failure to pay up calls on stock when made.

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The stock may be forfeited upon a failure to pay the calls—and sold for the amount due.

Proviso.

Proviso.

The county courts of Lincoln, Mercer, Garrard, Jessamine and Fayette authorised to subscribe for stock—

and of voting thereon.

The corporation of Lexington may also subscribe for stock.

The manner & plan on which the proposed road is to be constructed.

after the time appointed for the payment thereof, every stockholder shall, in addition to the instalment called for, pay at the rate of one per cent. per month for every delay of such payment; and if he shall fail to pay the amount of such call, and the penalty aforesaid, for the space of six months after the time of such payment is required, he shall forfeit such share or shares to the corporation, and the amount that shall have been paid thereon; and the president by order of the directors, after having ten days public notice, may proceed to sell such forfeited shares: *Provided*, They will bring the amount due and unpaid upon said share or shares: and *Provided*, also, that no shareholder shall vote at any election, or be entitled to the rights of a member of said corporation, until the whole amount, due and payable as aforesaid on the share or shares by him held, shall have been paid, agreeable to the requisitions of the president and directors.

Sec. 12. *Be it further enacted*, That the different county courts of the counties through which the road above mentioned may pass, and also of Lincoln county, are hereby authorised to subscribe for stock in said company, and to meet said subscription by such addition to their county levy as may be necessary; and that the profits arising from said stock shall hereafter be applied to lessening the county levies in said counties. They may also exercise the same right of voting, by their several agents or officers appointed by them respectively for that purpose, and all other rights and privileges with other stockholders. The corporation of the city of Lexington may also subscribe for and hold shares in the capital stock of said company, subject to the rules and provisions contained in this act, and enjoying the same rights and privileges as are hereby given to the county courts.

Sec. 13. *Be it further enacted*, That the said road shall be so levelled and graded, that when completed its greatest elevation shall not exceed four degrees. The width of the artificial part of said road shall be thirty-five feet, and the portion of it covered with metal or Macadamized stone, shall not exceed sixteen feet, and be fully nine inches in thickness or depth from side to side of that width; and provided the sixth section of this act is not retained, so far as the state is concerned in taking and holding stock in said company, the graded portion of the road may, at the discretion of the president and directors, be made twenty-four feet

wide, and the covered part eight feet wide. The stone intended to be used for covering, shall be in size not larger than will pass through a ring of two inches diameter.

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Sec. 14. *Be it further enacted*, That it shall be the duty of the president and directors of said company, or a majority of them, to fix the route over which the said road shall pass, between the places designated in this act, and for that purpose to employ all necessary surveyors, agents, engineers, artists, and chain carriers, &c. at the costs of the company; and they are hereby authorised to enter in and upon the land, and inclosures, public roads, and highways, in, through, and over which said intended road may be thought proper to pass, and to examine and survey the ground therefor, and to examine for quarries, beds of stone, and other materials necessary for the completion and repairs of said road; and having due regard to economy, they shall locate the road on as direct a line as the ground will admit of, from Danville to Nicholasville, and from Lancaster to intersect the said road at the most convenient and eligible point in Garrard county, and from Nicholasville to Lexington; and they shall cause two accurate plats of survey of the located line of said road to be made out—one of which shall be deposited in the office of the secretary of state, and the other with the treasurer of the company.

President and directors to fix the route of the road,

and authorised to enter upon and examine the lands of individuals, with a view to the selection of the best materials for its construction.

Points designated, through which said road is to pass.

Two plats of the road to be made out—one for the use of the state—

Sec. 15. *Be it further enacted*, That in case the corporation shall not be able to acquire the title to the lands over which the road shall be laid, by purchase or voluntary cession, it shall be lawful for said corporation to appropriate so much of such lands as may be necessary to its own use for the purposes contemplated by its charter, on complying with the provisions of the seven following sections.

The mode in which the company may acquire the title to land on which to construct the road—or for materials.

SEC. 16. The directors shall present a petition to the resident judge in the circuit where the land that is wanted lays, setting forth, by some proper description, the lands or materials wanted for the construction of their road, or the appendages thereto, and the names of the owners thereof, if known, distinguishing with convenient certainty, if it can be done, the parcels claimed in severalty by the respective owners, and praying for the appointment of appraisers to assess the damages which the owners of such lands will severally sustain by reason of the appropriation thereof by the corporation to its own use.

A petition to be presented to the circuit Judge, praying for the appointment of appraisers to value the land proposed to be condemned, & assess damages.

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The Judge to appoint a day for the hearing of the parties.

To appoint a person to represent persons unknown, infants, femes covert, &c. owning the land.

Three freeholders to be appointed by the Judge to assess damages on the value of the land.

The freeholders to view the land assess damages, &c.

And make a report thereof to the Judge,

Who may modify the assessment upon hearing thereof.

Sec. 17. *Be it further enacted*, That on the presentment of such petition, the said judge shall appoint a day for the hearing of the parties interested, and shall direct such notice as he shall deem reasonable, to be given of the time and place of hearing: and in case it shall appear that any of the owners of the said land are unknown, or feme covert, an infant, insane, or otherwise incompetent to take care of his, her, or their interest, it shall be the duty of the judge to appoint some discreet and responsible person to act in the premises in his, her, or their behalf, and to whom the corporation shall make reasonable compensation for such services, to be awarded by the judge.

SEC. 18. At the time appointed for such hearing, the said judge shall appoint three disinterested freeholders, residents of the county in which the land is situated, for the purpose of assessing such damages, and in the order for their appointment, shall direct as to what lands are to be appropriated by the said corporation for the purposes aforesaid.

Sec. 19. The said appraisers, after being sworn before some officer authorised to administer oaths, honestly and impartially to assess such damages, and to take into consideration all the advantages and disadvantages that may accrue to the owners of the said land by reason of the location of the road through the same, shall proceed, by viewing the said lands, and by such other evidence as the parties may produce before them, to ascertain and assess the damages which each individual owner will sustain by the appropriation of his land for the use or accommodation of such road or its appendages.

Sec. 20. The said appraisers shall make a report in writing, under their hands and seals, to the said judge within ten days from the receipt of their commission, reciting the order for their appointment, and specifying the parcel or parcels of land described therein, with all necessary certainty, the names of the owners of the respective parcels, if known; and if not known, stating that fact, and specifying also the damages which the owners of said respective parcels will sustain by reason of the appropriation of the same for the purposes aforesaid; and in case either of the parties are dissatisfied with the assessment, the judge may, on the hearing of the parties interested, modify the assessment as shall appear just: *Provided, however*, That if, in the opinion of the judge, justice will be better se-

cured between the parties (and not otherwise) by extending the number of appraisers or jurors to twelve in place of three, he is authorised to do so, who shall take proceedings the same as is provided in case the number were not extended. And in case of a failure to find a verdict, by disagreement or otherwise, the judge is authorised to order the proceedings anew, as though none had been previously taken.

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The number of appraisers may be extended by the Judge: Or new proceedings ordered in case of disagreement.

Sec. 21. *Be it further enacted,* That on payment of the damages thus assessed, together with the expenses of assessment, as the same shall be settled by the judge, or on depositing the amount thereof for the use of such owners, in such place as the judge shall direct in writing, the corporation shall immediately become entitled to the use of said lands or other property for the purposes aforesaid; and the report of the said appraisers, with the order of the said judge modifying the same, in case the same shall have been modified, may be recorded in the office of the clerk of the county where the lands or other property obtained may lie, in the same manner and with the same effect as deeds are recorded, without any other proof than the certificate of the said judge that the report is genuine.

Upon the payment of the damages and costs the title to the land to vest in the company.

The report of the appraisers to be recorded in the county where the land may lie.

Sec. 22. *Be it further enacted,* That in case the judge in the circuit where the land or other property wanted, lays, is interested therein, or related to the party claiming title to the property wanted, it shall be lawful for the corporation to apply to a judge in an adjoining circuit, who shall proceed in the settlement and adjustment of the matter in controversy in the same manner and with the same effect as he could do, if the land or other property wanted lay within his own judicial district.

When the judge of the circuit court is interested, the judge of an adjoining district may be applied to.

Sec. 23. *Be it further enacted,* That if it be found impracticable, without incurring unreasonable expenditure, to open and grade that portion of said road which passes over the cliffs of the Kentucky or Dicks rivers, the president and directors may, at their discretion, cause said portion or portions to be made not less than eighteen feet wide, and as much wider as the funds will allow, preserving at the same time as low a grade as possible within the limits already stated.

Manner in which the road may be constructed at the river cliffs.

Sec. 24. *Be it further enacted,* That so soon as the president, directors, and company, shall have completed any five miles of said road continuously, they shall call on three justices of the peace in the county in which said five miles, or the major part thereof, shall be

When any five continuous miles of said road is certified to be completed, a toll gate may

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be erected for
collecting tolls.
Mode in which
such certificate
is to be obtain-
ed and from
what tribunal.

The road to be
first inspected
by commission-
ers.

Provide.

Rates of toll al-
lowed said
company.

located, who are not interested in the stock of said company, to examine the work; and if they shall certify that said road is made in conformity to the provisions of this act, the certificate shall be recorded in the office of the county court of said county, and the president and directors may cause a toll gate to be erected across said road, and may collect the tolls and duties hereinafter granted to said company, from all persons travelling with horses, cattle, or carriages: and in case such disinterested justices cannot be found, the president and directors may give notice thereof to the circuit or county court of said county, and on such notice being entered of record, the said court shall appoint three fit and discreet persons commissioners, whose duty it shall be to inspect said road, or so much thereof as shall be completed; and if it shall be their opinion that the road, or any five miles of it at one part, is completed according to the provisions of this act, their report shall be recorded in said circuit or county court, and the judge or court shall enter of record how many gates the company may erect: whereupon, it shall be lawful for the company to erect a toll gate for every five miles of turnpike road they have so completed, at any one time, and at such places as to them may seem most eligible: *Provided*, That no toll gate shall be erected within less than two-thirds of a mile of any incorporated town.

SEC. 25. *Be it further enacted*, That when the said gate or gates shall be erected as aforesaid, it shall and may be lawful for the president and directors to appoint as many toll-gatherers as they may deem requisite, and to collect and receive of, and from all and every person or persons using said road, at each toll gate, for each and every five miles they may use or travel on, the tolls and rates hereinafter mentioned; and to stop any person riding, leading, or driving any horse or mule, or driving any cattle, sheep, hogs, sulkey, chair, chaise, phaeton, cart, wagon, or any other carriage of pleasure or burden, from passing through said gate or turnpike, until they shall have paid toll agreeable to the following rates, to wit: For every twenty head of sheep, hogs, or other small stock, six and a fourth cents; for every ten head of cattle, six and a fourth cents; for every horse, mule, ass, or other four-footed animal of a larger kind, except cattle, four cents; for every two wheel pleasure carriage, eight cents, exclusive of the beasts by which it is drawn and

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the person or persons transported in it; for every four wheel pleasure carriage, sixteen cents, exclusive as above; for every cart, if empty, twelve and one half cents, and with a burden, eighteen and three-fourth cents; for every four wheel wagon, or other carriage of burden, whose wheels shall not exceed three inches in width, twenty-five cents; for every such carriage of burden, whose wheels shall exceed three inches, but are not more than six inches in width, twenty cents; for every such carriage of burden whose wheels shall exceed six inches in width, ten cents, exclusive of the established toll herein, of the beasts by which they are drawn; for every person, two cents. The president and directors shall cause printed lists of the rates of toll which they may lawfully demand, to be affixed on or near the gates across said road.

Sec. 26. *Be it further enacted*, That if any person liable to pay the tolls aforesaid, at either of the toll gates erected in pursuance of the aforesaid provisions, shall, with intent to defraud the company aforesaid, pass through any private gate or bars, or along or over any grounds or lands near to or adjoining any turnpike or gate; or with intent aforesaid, shall take off, or cause to be taken off, any horse, cattle, or other thing on which toll should be paid; or with intent to lessen or evade the payment of any such toll or duty, shall practice any other fraud or device, or use force, such person so offending, shall, for every such offence, respectively forfeit and pay, over and above the tolls, to the president and directors of said company, a sum not less than one dollar, nor more than five dollars, recoverable before a justice of the peace, in like manner as other debts of equal amount are in other cases.

Penalty for passing the road without paying tolls, or for evading their payment—or defrauding the company.

How recovered and applied.

Sec. 27. *Be it further enacted*, That if at any time the said road shall be out of repair for the space of ten days, it shall be lawful for any person to call on two justices of the peace in the county through which the road passes, to go and inspect said road; and if upon such examination, and receiving full proof that it had been out of repair ten days, the said justices, by their order delivered to the treasurer of said company, or in his absence, to the president, or to the nearest toll-gatherer, direct that no toll or duty shall be received at the gate or gates over each part of said road so found to be out of repair, until so much of the road shall be repaired and put in good order; and upon the said road being repaired, the president and directors

The collection of tolls may be suspended by order of two justices of the peace, until the road is repaired if declared out of repair.

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The collection of tolls may be resumed when the road shall be declared in good order.

shall call a justice of the peace, who shall cause to be summoned five disinterested freeholders to examine the road under oath; and if they shall be of opinion that the said road is in proper repair, they shall certify to that effect under their hands and seals; and the magistrate shall thereupon direct that the usual toll be demanded and taken, at the gate or gates which had been thrown open, agreeably to the provisions of this act.

Penalty for demanding or receiving greater tolls than are allowed by law, or for receiving toll when the road shall be declared out of repair.

Sec. 28. *Be it further enacted*, That if any toll-gatherer or other shall demand, take, or receive, from any one using said road, a greater amount of toll than is provided for in this act, or shall take or receive toll when the road is declared to be out of repair, the person so offending shall forfeit the sum of ten dollars, one half of which may be claimed by the party injured, to be recovered before any justice of the peace, as other debts of a like amount.

The President and Directors to keep an account of the receipts and expenditures. To be submitted to the inspection of the shareholders. Semi-annual dividends of the profits to be made.

Sec. 29. *Be it further enacted*, That the president and directors shall keep a fair account of all the receipts and expenditures of the company, which shall at all times be open to the inspection of any stockholder, and be laid before the shareholders at their general meetings: they shall, at the end of every six months after the completion of said road, make a dividend of the clear profits, and pay it to the stockholders. The dividends shall be declared on the first of May and first of November in each year, unless otherwise ordered by the by-laws: *Provided, however*, That if the nett proceeds of the toll at the rates herein allowed, shall not produce a dividend of nett profits of *six per centum per annum* on the cost of said road, the same may be increased so as to produce *six per cent. per annum*; and if the said rates shall be found in any year to produce more than *twelve per centum per annum*, they shall be reduced, so that they will not exceed *twelve per centum per annum*.

Proviso.

As to the increase or reduction of the amount of tolls.

The officers of the company to give bond and security.

Sec. 30. The president and directors shall take bonds with good security, from the gate keepers and other persons employed by them, for the faithful discharge of the duties assigned them respectively; which bonds they may cause to be renewed whenever they may deem it necessary, payable to the president, directors, and company, as aforesaid.

Penalty for destroying or defacing any mile stone, sign

Sec. 31. *Be it further enacted*, That if any person shall wilfully break, deface, pull down, or destroy any mile-stone, or other post which the company may

erect or set up on the side of said road; or shall break or tear down any sign board, or obliterate any, letters or figures thereon; or tear down or obliterate the rates of toll set up on or near any turnpike gate; such person so offending, shall, for every such offence, forfeit and pay a sum not less than one dollar, nor more than ten dollars, according to the value of the article injured—to be sued for and recovered, as other sums are, before any justice of the peace of the county.

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board or the posted rates of toll.

How recovered and applied.

SEC. 32. *Be it further enacted*, That if any person shall belt or deaden timber, and leave it standing to rot or decay, within one hundred and fifty feet of said road, so that the lives of passengers along the road may at any time be endangered thereby, such person so offending, shall forfeit and pay the sum of ten dollars, to be sued for and recovered as in other cases mentioned; and the owners of land along said road are hereby required to cause to be cut down all such dead timber as may be left standing within the distance of the road specified, under the penalty of one dollar for every dead tree thus suffered to stand.

The trees within 150 feet of the road not to be deadened or belted and left to decay.

Such trees to be cut down by the owners of the land.

SEC. 33. *Be it further enacted*, That all wheel carriages using said road, in passing other wheel carriages, shall keep on the right hand side, leaving at least one half of the track on the other side free and clear for other carriages to pass and repass, except when overtaking or passing a carriage of slower draught, when they may pass on either side the slow carriage, leaving sufficient space: and every carter, wagoner, or driver, offending against the provisions of this act, and failing to do as hereby required, shall be liable to the person injured for all damages sustained, and a fine of five dollars, to be recovered before any justice of the peace as aforesaid.

Wheel carriages to keep to the right hand side in passing each other, &c.

Penalty for failure to observe this regulation.

SEC. 34. *Be it further enacted*, That all prosecutions for the penalties under the provisions of this act, shall be maintained and prosecuted at any time within six months after the offence was committed, and not afterwards, unless such suits shall have commenced within the time specified.

Prosecutions for fines under this act to be commenced within six months.

SEC. 35. *Be it further enacted*, That when any five miles of the said road shall be completed, the said president, directors, and company, may contract for, purchase, and hold to them and their successors forever, any quantity of land not exceeding one acre, at the site of each toll gate erected upon said road, agreeably to the provisions of this act; and if they

The President and Directors may purchase one acre of ground at each toll gate.

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Or cause the same to be condemned under the provisions of the preceding sections.

Proviso.

cannot agree for such land, at their respective gates, with the owner or owners thereof, they are authorised to possess themselves thereof, by application to the judge in the district where the land lays, and proceeding as directed for the location of the road: *Provided, however,* That in the selection and appropriation of land under this section, the said president, directors, and company, shall not include the dwelling house, out houses, or gardens of any persons, without their consent, and shall not so locate the said land so as to prevent the owner or owners of the adjacent lands from access to said road on either side of any gate, to which they would have had access, if such location had not been made.

Who shall be exempted from the payment of toll.

SEC. 36. *Be it further enacted,* That nothing in this act contained shall be so construed as to impose toll fees upon the owners of lands through which the said road shall pass, their horses, cattle, or servants, passing on said road from one part of their farm to another; or to impose toll fees upon *venire* men and grand jurors of the same county passing to and from the court to which they are summoned; or persons passing to or from any funeral, or with any funeral procession; nor shall any tolls be imposed upon citizens of the county while going to and returning from the general elections in said county; nor upon militia on days of muster, or attending courts of assessment, in pursuance of their duty; nor upon persons going to or returning from a neighboring place of public worship on the Sabbath; but all such persons, with their horses or vehicles, shall for the time being pass free of toll.

The rates of toll may be reduced—and annual contracts made in lieu of rates of toll.

SEC. 37. The president and directors shall have power to reduce the rates of toll, as provided for in this act, in all cases of persons or families who have frequent occasion to pass through one or more of the gates—such as to a neighboring town; and instead thereof, may charge a reasonable annual toll or compensation for such persons and their families, who may be then allowed to pass whenever they think proper.

The treasurer to keep an account of all such contracts, &c.

The treasurer shall keep an account for all persons making these annual contracts, and inform the gate keepers thereof, and furnish them with a list of the names of those persons who may avail themselves of the advantages herein allowed.

If any bridge shall be erected, the cost of which

SEC. 38. *Be it further enacted,* That if the turnpike road aforesaid shall be constructed so far as that it shall become necessary to erect any bridge, the ac-

tual cost of which shall amount to or exceed twenty thousand dollars, it shall be lawful for the said company to collect tolls for the passage of said bridge equal to those specified and allowed for passing a toll gate, under this act. And if it shall become necessary to erect a bridge or bridges, the actual cost of which shall exceed ten thousand dollars, and be less than twenty thousand dollars, then the said company may collect at each of said bridges one half the amount of tolls specified and allowed to be collected at a toll gate; and gates may be erected at said bridge or bridges for the collection of said tolls.

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is \$20,000, tolls may be collected for passing the same, equal to those for passing a gate.

If such bridge should not cost more than \$10,000, half tolls shall be collected.

Sec. 39. *Be it further enacted*, That if the construction of the road provided for by this act, shall not be commenced within three years from the passage hereof, the rights, privileges and immunities hereby granted, shall be void to all intents and purposes.

The construction of the road to be commenced within three years—under a penalty of a forfeiture of the charter.

(Approved February 22, 1834.)

CHAP. 415.—AN ACT to incorporate a company to construct a Turnpike Road from Covington, through Williamstown and Georgetown to Lexington, in Fayette County.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed under the name, style and title of the Covington and Lexington Turnpike road company, for the sole purpose of forming and maintaining an artificial road from Covington, opposite Cincinnati, to Lexington.

A company incorporated and style thereof.

Sec. 2. *Be it further enacted*, That the aforesaid company are hereby authorised to raise by subscription, the capital stock of three hundred thousand dollars, to be divided into six thousand shares of fifty dollars each.

Amount of capital stock.

Sec. 3. *Be it further enacted*, That the books for the subscription of stock in said company, shall be opened on the first Monday in April next, at the town of Covington in Campbell county, under the direction of John W. King, William Hopkins, George Southgate, John A. Goodlow, W. W. Wade, John B. Casey, John Leathers, Thomas G. Tupman and William B. Northcut; at the town of Burlington, Boone county, under the direction of Willis Graves, Henry F. James, John Stowers, James M. Clarkson and Edward

Books for the subscription of stock to be opened at Covington,

Burlington,

1834. S. Armstrong; at the town of Williamstown, Grant county, under the direction of John Thomas, Abraham Jonas, Charles Ruddle, Samuel F. Singleton and Moses Theobalds; at the town of Georgetown, Scott county, under the direction of William Johnson, Job Stevenson, Manlius V. Thompson, M. W. Dickey and James F. Robinson; at the city of Lexington, under the direction of Wm. H. Richardson, Roger Quarles, Richard Downing, Thomas Stephens, Thomas A. Russell and Benjamin Ford, or some two or more of them at each place, who are hereby appointed commissioners. The said commissioners, shall each of them procure a book or books, and the subscribers to the stock of said company, shall enter into the following obligation, in said book or books, viz: "We, whose names are hereunto subscribed, do promise to pay to the President, directors and company of the Covington and Lexington turnpike road company, the sum of fifty dollars for each and every share of stock in said company, set opposite to our names, in such manner and proportions, and at such times as shall be required by the President and directors of said company."

Form of the obligation to be signed by the subscribers of stock.

Books, how long to be kept open.

When 500 shares are subscribed, a general meeting of the stockholders to be called for the election of a President and Directors for one year.

Votes, how to be taken and by whom. Each share entitled to 1 vote.

Sec. 4. *Be it further enacted,* That the books or subscription of said stock, shall not be kept open at any one time, for a less term than three, nor more than six months; and whenever five hundred shares of the capital stock, shall have been subscribed, it shall be the duty of the commissioners above named, or any five of them, who may have received the amount of the subscription aforesaid, to call a meeting of all the subscribers to said stock, at some central point, viz: Williamstown or Jones', on the line of said road, which they shall designate by giving public notice thereof, in one or more public newspapers printed in the towns of Covington, and Georgetown, and the city of Lexington, for the space of not less than thirty, nor more than sixty days previous to the closing of the books of subscription, for the purposes of organizing said company, by the acceptance of this charter, and the election of a President and six directors; at which election, at least five of the commissioners above named shall be present, one of whom shall be President, who shall proceed to take the votes by ballot of said stockholders, who shall have the right to vote in person or by proxy, under power of attorney, satisfactorily authenticated—each stockholder having

one vote for every share so held, for a President and six directors, who shall hold their offices for one year, and until others shall be duly qualified.

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Sec. 5. *Be it further enacted,* That the said President and directors shall, before they enter upon the duties of their appointments, take an oath before some justice of the peace, that they will faithfully discharge the duties of President or directors, (as the case may be,) without favor or affection, according to the best of their judgments. That upon the qualification of the President and directors, they shall appoint a treasurer and such other officers as they may deem necessary, who shall hold their office for one year, and until others shall be appointed and qualified. The treasurer of said company, shall, before he enters upon the duties of his office, give bond with two or more good securities, in the penalty of fifty thousand dollars, payable to the President and directors of said company, conditioned that he will faithfully discharge the duties of treasurer of said company; and that he will well and truly perform the duties required of him by the by-laws of said company.

The President and Directors to take an oath of office.

To appoint a Treasurer and other officers.

The Treasurer to give bond and security.

Condition thereof.

SEC. 6. *Be it further enacted,* That upon the election and qualification of the President and directors as aforesaid, they shall be a body politic and corporate, in deed and in law, by the name, style and title of the Covington and Lexington turnpike road company, and by the said name, the said company shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, all such lands, tenements, hereditaments and estate, real and personal, as shall be deemed necessary to them in the prosecution of their work; and to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of record, or in any other place whatever: and also to have a common seal, and to do all and every other matter and thing which a body politic or corporation may do.

Upon the election being made — they declared a corporate body. The style thereof.

With the usual corporate powers and privileges. — Of holding their capital stock & the profits. — Of acquiring, holding, selling and conveying real and personal estate. — Of suing and being sued —

Having a seal of office. —

Sec. 7. *Be it further enacted,* That the said President and directors upon their entering on the duties of their office may call upon the stockholders for the

May make calls on the stockholders, &c.

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The capital stock may be enlarged by new subscriptions if necessary.

Mode of voting on the stock at their general or called meetings.

No share entitled to a vote unless held 3 months previous to the election.

Stock may be voted by proxy. Annual elections to be held for President and Directors, and statements of the affairs to be submitted to the company.

Certificates of stock to be issued.

Stock may be transferred on the books of the company.

A new certificate to be issued to the purchaser, &c.

payment of ten dollars on each share subscribed by him or her in said stock, and may, if deemed necessary, call for ten dollars on each share, every sixty days, until the whole amount subscribed shall be paid; and if it shall be ascertained that the whole amount of capital stock authorised to be taken by this act, have not been subscribed, or if subscribed and paid, in that it is not sufficient to accomplish the object of this act, then, and in that event, the President and directors may immediately, and from time, whenever the same shall appear necessary, re-open the books of subscription for said stock so untaken or enlarge the capital amount thereof, as they may deem necessary, and open subscriptions therefor under the regulations and restrictions, enjoined by the fourth section of this act.

Sec. 8. *Be it further enacted*, That the number of votes to which each stockholder shall be entitled, according to the number of shares he shall hold, shall be in proportion as follows, viz: for every share under five, one vote, for every two shares over five, and not exceeding ten, one vote, for every four shares over ten, one vote; and after the first election, no share or shares shall confer the right of voting, which shall not have been holden three months previous to the election. The stockholders may vote in person or by proxy, under such regulations as shall be established by the by-laws of said company; and the annual election for President and directors, shall be held on the first Monday in April, at such places as the President and directors may direct; at which time the President shall lay before the stockholders an expose of the situation of said company, and also, the record of their proceedings for the preceding year.

Sec. 9. *Be it further enacted*, That the President and directors, chosen as aforesaid, shall deliver a certificate signed by the President, and countersigned by the treasurer, sealed with the seal of the corporation, to each shareholder for each share by him or her subscribed and held; which certificate shall be transferable on the books of said corporation in person or by attorney; but no share shall be transferred until all the calls and arrearages are paid thereon: the original certificate of the share or shares transferred, shall be surrendered, and a new certificate shall issue to the purchaser, who shall be a member of said corporation, and entitled to all the benefits and privileges that the original owner was entitled to.

Sec. 10. *Be it further enacted,* That the President may call meetings of the directors, at such times and places as he may think proper; a majority of all the directors shall be necessary for the transaction of business. They shall keep a record of all their proceedings, to be entered in a book, provided for that purpose, and they shall be signed by the President; and in case of the death or absence of the President, the directors shall elect a President *pro tempore*, and they may adjourn from time to time as they may think proper.

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Meetings of the stockholders may be called. A majority of the directors to constitute a quorum for business. A record of their proceedings to be kept.

Sec. 11. *Be it further enacted,* That the President and directors shall have power and authority to agree with, and appoint all such surveyors, engineers, superintendants, artists and officers, as they may judge necessary to carry on the contemplated work; and to fix their salaries and wages, to prescribe the time, manner and proportions, in which the stockholders shall make payments on their respective shares, to carry on said work; to draw orders on the treasurer for all monies necessary to pay the salaries or wages of persons employed, and for the labour and materials furnished, and to do all such other matters and things as by this charter, and the by-laws of the corporation, they are or shall be required to do.

The President and Directors authorised to appoint their engineers, surveyors, &c. and fix their wages, &c. To regulate the time, manner & proportions in which the stock shall be paid in. To draw orders on the treasurer

Sec. 12. *Be it further enacted,* That the President shall give notice in a newspaper printed in Cincinnati, Covington, Georgetown and Lexington, for at least thirty days, of the amount of the call on each share of stock, and of the time of payment; and if any stockholder shall neglect or refuse to pay his proportion of the amount of stock so subscribed for, and held by him or her, on the books of said company, for the term of thirty days after the time appointed for the payment thereof, every such stockholder shall in addition to the instalments so called for, pay at the rate of one per cent per month for every delay of such payment; and if he or her shall fail to pay the amount of such call, and the penalty aforesaid, for the term of six months, after the time of such payment is required, he shall forfeit such share or shares to the corporation, and the amount which shall have been paid thereon; and the President, by order of the directors, shall sell the said shares at public sale, having advertised the same for ten days: *Provided,* The same will bring the amount of the balance due on said share or shares: *And provided,* That no stockholder shall

Notice of the time and place of paying the calls to be given.

A penalty may be imposed for a failure to pay such calls.

Or the shares and previous payments may be forfeited, & shares sold to meet the calls.

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Further proviso

The President and Directors authorised to appoint engineers, surveyors, &c. and examine the lands of individuals and the public, with a view to the selection of the best route and materials for its construction.

The points through which the road is to pass.

A platt thereof to be lodged with the Treasurer.

The P. and Directors authorised to enter upon and survey the lands designated for the route of the road and to procure materials for its construction by compensating the owners therefor.

Mode of ascertaining damages when the parties cannot agree.

vote at any election, or be entitled to any of the rights of a member of said corporation, unless the whole amount due and payable aforesaid, on the share or shares by him or her held, shall have been paid agreeable to the requisitions of said President and directors.

Sec. 13. *Be it further enacted*, That the President and directors shall employ such surveyors, engineers, artists and chain carriers, as they may think necessary, and they are hereby authorised to enter in, and upon the land, and enclosures, and public roads, and highways, in, through and over which the said intended road may be thought proper to pass, and to examine and survey the ground most proper for the purpose, and to examine the quarries, beds of stone and gravel, and other materials necessary for the completion of said road; and they shall locate the said road, on the line on which it can be constructed, with the least expense to the company, and which shall be the most direct, that the ground on which it may pass will admit, from Covington, through Williamstown and Georgetown to Lexington, a majority of the President and directors in the said location; and they shall cause a platt of the said roads located, to be made out and lodged with the treasurer of said company.

Sec. 14. *Be it further enacted*, That the said President and directors shall have the right to survey, lay out and make their road through any improved or unimproved lands on the nearest and most eligible route, from the town of Covington, through Williamstown and Georgetown, to the city of Lexington; and take from the land occupied by said road, when surveyed and located as aforesaid, or from any lands in the vicinity thereof, any stone, gravel, timber or other materials, necessary to construct a good, secure and substantial road, as contemplated by this act: *Provided*, The said stone, gravel or other materials, have not been previously quarried, dug or otherwise appropriated by the owner thereof; and if any difference should arise between the owner or owners of any ground, of their agents, if any there be, from which said materials are sought to be taken as aforesaid, and the agents of said company respecting the value thereof, or damages therefor, the same shall be determined by three disinterested freeholders of the county in which said land lies, which the county court is hereby authorised and required to appoint, whenever requested by the said parties to do so, or either of them, who after

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being first duly qualified by a justice of the peace for that purpose, shall take into consideration, whether the land be really made more or less valuable by the said road passing through it, and the taking there from the materials aforesaid; and shall make out their assessment or award of what damages, if any, the said owner or owners may be entitled to, and shall deliver a copy thereof in writing to the proprietor of said land, and to his, her or their agents, if any, and another copy thereof to the agent of said company; whereupon the said agent shall pay or tender to the owner or agent of said land, the amount of such assessed damages, before he shall enter upon or take any such ground or materials, other than to survey the road; and all the expenses and damages, if any are awarded, shall be paid by said company, but if no damages be awarded, the said expenses shall be paid by the person who may have claimed damages as aforesaid.

Three freeholders to be selected and sworn to enquire into the damage & make their award and deliver a copy thereof to the owner of the land. And upon paying to the party the damages assessed, shall be authorised to use the same, &c.

Sec. 15. *Be it further enacted*, That it shall and may be lawful for the Governor for the time being, to subscribe on the part of the state, for any number of shares in the stock of said company, not exceeding in amount the sum of fifty thousand dollars: *Provided*, That it shall first have been satisfactorily made known to the Governor for the time being, that a sum equal in amount to the stock required to be subscribed on the part of the state, has been subscribed by individuals: *And provided, further*, That the state shall not be required to pay any part or instalment on said stock, hereby authorised and required to be subscribed in said company, on the part of the state, until it shall satisfactorily appear to the Governor for the time being, that an equal amount required to be paid on the part of the state, has been paid by the stockholders in gold or silver, or its equivalent.

Stock authorised to be subscribed on the part of the Commonwealth, in said company.

Proviso.

Further proviso.

Sec. 16. *Be it further enacted*, That so soon as the location of said road shall have been made, the said President and directors shall proceed to commence the construction thereof at any point, or at as many points as they shall elect, and they shall cause the said road to be opened, not exceeding sixty feet wide, and not less than fifty feet; of which not less than fifteen feet shall be made an artificial road, composed of stone, gravel, wood or other suitable materials, well compacted and put together in a proper and suitable manner; and shall maintain and keep the same in good repair, and in no case shall the ascent in the road be

The President and Directors may commence the road at one or more points at the same time.

The plan on which the road shall be constructed. The width and elevation of the

1834. of a greater elevation than five degrees: *Provided, however,* Any part of said road which may be constructed on the McAdam's plan, shall not be required to be stone more than twenty feet.

road in its ascent or descent.

When any five continuous miles are completed, the same is to be examined, and if constructed agreeably to law, toll gates may be erected for collecting tolls thereon.

SEC. 17. *Be it further enacted,* That so soon as the President, directors and company shall have completed, on any part of said road, five continuous miles thereof, they shall call on three justices of the peace in the county in which said five miles or the major part thereof shall be located, who are in no wise interested in the stock of said company, to examine the same; and if they shall certify that said road is made in conformity to the provisions of this act, which certificate shall be recorded in the office of the clerk of said county, the President and directors may cause a gate to be erected across said road, and may collect the tolls and duties, hereinafter granted to the said company, from all persons travelling with horses, cattle or any other animals, and with carriages, sleds and other vehicles of conveyance: *Provided,* That no gate shall be erected within less than two thirds of a mile of any incorporated town, nor in less than five miles of each other.

Proviso.

Authorised to purchase one acre of ground at each tollgate

or have the same condemned.

The county c't may issue a writ of *ad quod damnum*.

The sheriff to summon a jury to hold the inquest on the land.

To give the parties notice—

Sec. 18. *Be it further enacted,* That when the said road, or any continuous five miles thereof shall be completed, the said President, directors and company may contract for, purchase and hold to them and their successors forever, any quantity of land, not exceeding one acre, at the site of each toll gate erected upon the said road, agreeably to the provisions of this act; and if they cannot agree for such quantity of land at their respective gates, with the owner or owners thereof, they may sue out from the court of the county, in which the land proposed to be appropriated shall lie, a writ of *ad quod damnum*, directed to the sheriff, or other proper officer, commanding him to summon a jury of inquest, to meet upon the said land, on the day fixed by the said writ, to assess the reasonable value of the land, and the damages which will be occasioned to the owner or owners thereof by its condemnation, to the use of the said corporation; which writ, the sheriff or other officer shall proceed immediately to execute, agreeably to its command, giving to the owners of the land, their agents or guardians, or next of kin, if they be infants, at least three days notice in writing of the time and place of convening of said jury, and return the said inquest so ta-

ken by him, to the court of his county; and upon the payment or tender by the said President, directors and company of the value of the said land and damages (if any) so assessed, the said land shall become vested in the said corporation: *Provided, however,* That in the selection and appropriation of land, under this section, the said President and directors shall not include the dwelling houses, out houses, or orchards, or gardens of any person without their consent, and shall not locate the said land, so as to prevent the owner or owners of the adjoining land from access to the said road, on either side of any gate, to which they would have had access, if such location had not been made.

Sec. 19. *Be it further enacted,* That so soon as the gates shall be erected as aforesaid, it shall, and may be lawful for the President and directors to appoint such, and so many toll-gatherers as they may think proper, to collect and receive of, and from every person or persons using the said road, the following tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horse, mule or ass, or driving any cattle, sheep, hogs or oxen, sulky, chair, chaise, phaeton, cart, wagon, or any other carriage of pleasure or burthen, from passing through said gate or turnpike, till they shall have paid toll, agreeable to the following rates, viz: for every twenty head of sheep, hogs or other small stock, six and one fourth cents; for every ten head of cattle, six and one fourth cents; for every horse, mule, ass and other footed animal of a larger kind, except cattle, four cents each; for every two wheel pleasure carriage, eight cents, exclusive of the beasts by which it is drawn, and the person or persons transported by it; for every four wheeled pleasure carriage, sixteen cents, exclusive as above; for every cart, wagon or other carriage of burthen, whose wheels shall not exceed four inches in width, twenty-five cents; for every such carriage of burthen, whose wheels shall exceed four inches in width, but shall not exceed six inches in width, twenty cents; for every such carriage of burthen, whose wheels shall exceed six inches in width, fifteen cents, exclusive of the beasts by which it is drawn.

Sec. 20. *Be it further enacted,* That if any person or persons, liable to pay the tolls aforesaid, at either of the toll gates erected, in conformity with this act, shall with an intent to defraud the company aforesaid,

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Upon the payment of the damages the title vested in the company.

Proviso.

Rates of toll allowed to be collected by said company at each gate.

Penalty for failing, refusing or evading the payment of tolls

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How recovered
and applied.If the road
should be per-
mitted to get
out of repair,
the collection of
tolls may be
suspended.—Mode of pro-
ceeding therein.Penalty for de-
manding or re-
ceiving tolls in
that event.

Proviso.

Further
proviso.The collection
of tolls may be
resumed when
the road is cer-
tified to be in
good repair.

pass through any private gate or bars, or along or over any grounds or lands near to, or adjoining any turnpike or gate, or with intent aforesaid, or shall take off, or cause to be taken off, any horse or other beast or cattle of draught, burthen or pleasure, or shall practice any other fraudulent device, with intent to evade the payment of any such toll or duty, such person so offending, shall for every such offence, respectively forfeit and pay to the President and directors, the sum of fifty dollars, recoverable before any justice of the peace, in like manner as other debts of equal amount, in the name of the President, directors and company aforesaid.

Sec. 21. *Be it further enacted*, That if at any time the said road shall be out of repair, for the term of ten days, it shall, and may be lawful for any person to call on two adjacent justices of the peace, for any county through which the road passes, to go and inspect said road; and if upon inspecting the same, and receiving proof that it had been out of repair, for the term of ten successive days previous thereto, the said justices shall, by their order, delivered to the treasurer of said company, and in case of his absence, to the President, or any of the toll-gatherers, direct that no toll or duty shall be required on said road, until the same shall be repaired and put in good order; and if any toll shall be taken or demanded after the delivering of such order, the said company shall forfeit and pay the sum of five dollars, for each and every offence, to be recovered as other debts of like amount, and upon service of process upon the acting President of said company, or any toll-gatherer: *Provided, however*, That said recovery shall only be had against the company for the unlawful demand of the toll-gatherer, nearest that part of the road so declared to be out of order or repair: *And provided, further*, That there shall have been sufficient time to inform the gate keeper of said order having been delivered to the President or treasurer. Where that is the fact, and upon said road being repaired, the President and directors shall call two justices of the peace in like manner to examine the same; and if they shall be of opinion that the said road is in repair, they shall certify the same, and direct that the toll shall be demanded and taken at the gate or gates, agreeably to the provisions of this act.

Sec. 22. *Be it further enacted*, That the President

and directors shall keep a fair and just account of all moneys which shall be received by them, from the subscribers of stock of said company; also, of all moneys expended by them, in the prosecution of said work, and all costs, charges and expenses of said road or any section thereof, which shall be paid and discharged; and the aggregate amount when ascertained, shall be entered on the books of the treasurer. The President and directors shall, at the end of every six months, after the said road shall, be completed, or any section of five miles thereof, make a dividend to the stockholders, whose stock has been paid in and expended on said road, or any five miles thereof: *Provided*, That no dividend shall be paid over to such of the stockholders as may have failed to pay over, in pursuance to the order of said President and directors, the amount of stock which they may have subscribed on the books of said company; the same shall be retained by the treasurer of said company, subject to the order of the President and directors thereof, to be by them employed towards the completion of said road.

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An account of the receipts and expenditures to be kept by the treasurer.

Semi-annual dividends of profits to be made.

Proviso.

Sec. 23. *Be it further enacted*, That the President and directors shall cause printed lists of the rates of toll, which they may lawfully demand, to be fixed on or near the gates across said road; and if any toll-gatherer on said road, shall demand or receive from any person or persons using said road, any greater rate of toll than is allowed or authorised by this act, such toll-gatherer shall forfeit and pay for every such offence, the sum of five dollars, recoverable by any one suing for the same, before any justice of the peace, as other debts of like amount: *Provided*, That no suit to recover the penalties under this act shall be maintained or prosecuted, unless the same shall have been commenced and prosecuted within six months after the offence was committed.

Printed lists of the rates of toll to be posted on the gates.

Penalty for demanding or receiving a greater rate of toll than is allowed by law.

Of whom, and how recovered.

Proviso.

Sec. 24. *Be it further enacted*, That the President shall take bonds with good security, from the gate keepers and other persons employed by them, for the faithful discharge of the duties to them assigned respectively; which bonds they may cause to be renewed whenever they may deem it necessary, and shall be made payable to the President and directors and company aforesaid.

Bond with security to be given by the Officers of the corporation, to the President and Directors.

Sec. 25. *Be it further enacted*, That the aforesaid road shall be so leveled and graded, that when com-

Elevation of the road not to exceed 5 degrees.

1834. pleted the elevation thereof shall at no place exceed five degrees.

If after 5 years after the completion of the road, the nett dividends shall exceed 14 per cent per ann. the rate of toll may be reduced so as not to exceed that pr. ct.

Sec. 26. *Be it further enacted*, That if at the expiration of five years, after said road has been completed, it shall appear that the annual nett dividends for the two years next preceding of said company, upon the capital stock expended on said road and its repairs, shall have exceeded the average of fourteen per cent per annum thereon, then and in that case, the Legislature reserves to itself the right upon the fact being made known, to reduce the rates of toll, so that it shall give that amount of nett dividends per annum, and no more.

The work to be commenced on the 1st of May, 1835, and completed within 10 y'rs thereafter.

Sec. 27. *Be it further enacted*, That the aforesaid company shall commence the prosecution of their work, on or before the first of May, in the year 1835, and complete the same within ten years thereafter.

Penalty for destroying or injuring mile stones, walls, culverts, bridges, &c.

Sec. 28. *Be it further enacted*, That if any person shall purposely and maliciously break, deface or otherwise injure any of the mile stones, parapet walls, culverts or bridges, or any of the masonry whatever of, and belonging to said Covington and Lexington Turnpike road, every person so offending, shall on conviction be fined in a sum not more than five hundred dollars, or be imprisoned in the dungeon of the jail of the county, not exceeding twenty days, or both at the discretion of the court.

How recovered, &c.

Penalty on any person for otherwise injuring said road or filling up, choking or obstructing the side dams, vallies, gutters, &c.

Sec. 29. *Be it further enacted*, That if any person shall purposely fill, choke or otherwise obstruct any of the side drains, vallies, gutters or culverts of said road, or shall connect any private or cart-way with the aforesaid road, without connecting the same over a stone culvert on a paved voley or other good and sufficient fixture, so as to secure a fair passage for the water along such side way, where such private road or cart way connects with the aforesaid road; or if any person shall purposely or wilfully travel upon such parts of said road as may be unfinished, against the warning and consent of the superintendants of said road, or his agent, or shall remove any of the beacons placed upon said road, so in an unfinished state as aforesaid, for the diverting the traveller on or from said road; every person so offending shall upon conviction thereof, be for every such offence fined in a sum not less than one, nor more than ten dollars.

Penalty for standing wag-

Sec. 30. *Be it further enacted*, That if any person shall stand his wagon and team or either of them

over night upon the pavement of said road, or shall at any other time stand the said wagon and team, or either of them, upon the pavement of said road for the purpose of feeding, or if he shall in any other manner purposely and wilfully obstruct the traveller upon said road; every person so offending shall upon conviction thereof, for every such offence be fined in a sum not less than one, nor more than five dollars.

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ous over night or obstructing the road with them.

Sec. 31. *Be it further enacted*, That if any person shall fast-lock or rough-lock either of the wheels of his wagon, coach, chaise, gig, sulky, carriage, or other two or four wheeled vehicle, while travelling on the pavement of said road, (excepting however such parts of the said pavement as may lie at the time covered with ice, so as to render such locking necessary,) every person so offending shall, upon conviction thereof, be fined in a sum not less than one, nor more than five dollars.

Wagons, &c. not to be locked in travelling the road.

Exception.

Penalty therefor.

Sec. 32. *Be it further enacted*, That all prosecutions under the twenty-eighth section of this charter, shall be by indictment, before the circuit court in the county where the offence shall have been committed, and all fines accruing under the same, shall be collected and paid over by the prosecuting attorney of such county, the one half to the informer or informers, and the other into the county treasury, to be disposed of as the court of said county shall order or direct.

Prosecutions under the 28 § to be by indictment of a grand jury,—and the fines collected paid to the county and informer in equal proportions.

Sec. 33. *Be it further enacted*, That all prosecutions under the twenty-ninth, thirtieth and thirty-first sections of this charter, shall be by complaint on oath before any justice of the peace of the county wherein the offence complained of was committed, in like manner as is provided by law for prosecutions in other cases of like penalties; and all fines thus imposed, shall be collected and paid over, the one half to the informer or informers, and the other half to the county treasurer, as is specified in the preceding section.

Prosecutions under the 29th, 30 & 31st § to be before a justice of the peace.

Fines recovered how appropriated.

Sec. 34. *Be it further enacted*, That all acts and parts of acts coming within the purview of this act, and being inconsistent therewith, shall be, and the same are hereby repealed.

Repealing clause.

Sec. 35. *And be it further enacted*, That the overseers and superintendants of such public roads as shall or may be made to unite or to intersect the aforesaid road, shall be authorised, and they are hereby required to unite the same by a strong pavement, or substantial or sufficient stone culvert.

The roads intersecting this road are to be united by stone culverts by the overseers thereof.

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A part of the act of 1831 repealed.

The commis's appointed by the recited act in Fayette and Scott, authorised to open books of subscription for the construction of the road from Lex. to Georgetown.—

Whenever the sum of \$20,000 is subscribed by individuals,—\$10,000 in stock is to be subscribed by the Governor.

How and when to be paid.

The stock authorised to be subscribed by the 15 to be held and voted on by the state.

The right to purchase the stock reserved to the state.

Sec. 36. *Be it further enacted*, That so much of "an act to incorporate a company to construct a turnpike road from Lexington, through Georgetown and Williamstown to Covington, and from Georgetown to Frankfort, and for other purposes," approved December 23d, 1831, so far as it authorises said company to construct and manage the road from Georgetown to Covington, be, and the same is hereby repealed; and the commissioners appointed by said act, or such as may choose to act in the counties of Fayette and Scott, may open books for the subscription of stock for the road between Lexington and Georgetown, and proceed in all matters as is therein prescribed; and if within two years from the passage of this law, they shall not have commenced work on said road, the company hereby incorporated may proceed to make said road according to the provisions of this act.

Sec. 37. *Be it further enacted*, That whenever it shall be officially made known to the Governor of Kentucky for the time being, by the President of said turnpike company from Lexington to Georgetown, that twenty thousand dollars have been subscribed for the construction of said road, the Governor shall subscribe for ten thousand dollars of stock on the part of this Commonwealth, to be paid in the same manner, and upon the terms and conditions as is provided in an act to incorporate the Maysville, Washington, Paris and Lexington turnpike road company, and the several acts amendatory thereof. And the stock authorised to be subscribed and taken on the part of the state, by the fifteenth section of this act, in the company now incorporated, shall also be held, controlled and voted upon, as is provided in said last mentioned acts: *Provided, however*, That this charter is granted with the express understanding, that the right is reserved on the part of the state, to redeem the stock of individual stockholders according to the provisions and terms of an act, passed to incorporate a company to turnpike a road leading from Franklin to the Crab Orchard.

(Approved February 22, 1834.)

CHAP. 416.—AN ACT concerning the town of Alexandria, in Campbell County.

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Whereas, it is represented to the present General Assembly, that about twelve acres of land in the county of Campbell, were by Frank Spilman many years since laid off into lots and streets for the purpose of a town, and distinguished by the name of Alexandria, and it is judged expedient to vest the said land in trustees, and establish the town: Therefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the land comprehending said town, according to a platt made or caused to be made by said Frank Spilman, and which is hereby required to be recorded in the clerk's office of the county court of Campbell aforesaid, within ninety days from the passage of this act, be, and the same is hereby vested in Joshua H. Purnell, Benjamin Smith, John J. Thomas, John Orr and Benjamin D. Beall and their successors, who are hereby appointed trustees for the same, and shall be called and known by the name of the town of Alexandria, and the said trustees or a majority of them, shall at their first meeting certify to the clerk of the county aforesaid, by endorsement on said platt or certificate annexed thereto, that the platt aforesaid, is the original platt of said town, made or caused to be made by the above named Frank Spilman, which shall also be recorded or left for record in the office aforesaid; and if it appears to the satisfaction of the trustees aforesaid, or a majority of them, that the original platt aforesaid, is so mutilated or injured by the lapse of time, or otherwise imperfect, or if they or a majority of them shall deem it necessary, they may cause a re-survey of said town to be made by the surveyor of Campbell county aforesaid, under their direction, having regard to the original platt aforesaid, which survey so made and certified to be correct by the said trustees or a majority of them, shall within ninety days from the passage of this act, be also recorded or left for record in the clerk's office aforesaid, and shall be evidence accordingly; and the said trustees or a majority of them, are authorised to make such rules for the regular building on the lots as to them shall appear most conducive to the benefit and convenience of the inhabitants of said town; and full power to settle and determine all disputes concerning the bounds or lines of all lots in said town; they shall

Platt of town to be recorded.

Vested in trustees.

To certify the original platt of the town.

If mutilated, may order a re-survey.

Powers of the trustees.

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have power to form rules for improving, clearing and keeping the streets in good order, by applying to the county court aforesaid, who shall whenever necessary, to appoint an overseer, with power to call on the inhabitants of said town for that purpose, and any person neglecting or refusing when so called on to attend and work, shall forfeit the sum of one dollar, to be recovered in the name of the trustees of said town, before any justice of the peace within the county aforesaid, and all fines so recovered shall be applied to the improving, clearing and keeping the streets in said town in good order.

Penalty for nuisances or obstructions in streets.

Sec. 2. *Be it further enacted*, That if any person shall cause any obstruction or nuisance in the streets or alleys in said town, and fail to remove the same upon notice from any one or more of the trustees of said town, such person shall forfeit and pay three dollars for every twenty-four hours such nuisance or obstruction shall remain after such notice, recoverable and to be applied in the manner that the fines in the preceding sections are provided, to be recovered and applied.

Vacancies in the board of trustees to be filled.

Sec. 3. *Be it further enacted*, That in case of the death, resignation, removal out of the county, or other inability of any one or more of the trustees of said town to act, such vacancy shall be filled up by the appointment of a majority of the remaining trustees with suitable persons for that purpose; who shall have the same power as those herein before appointed; and the said trustees or a majority of them, shall keep a fair record of their proceedings, and may from time to time appoint, and remove at their pleasure, a clerk amenable to said trustees, who may make him an allowance equivalent to his services.

A clerk to be appointed and proceedings recorded.
Clerk's pay.

May collect taxes.

Sec. 4. *Be it further enacted*, That the trustees of said town or a majority of them, shall have power to collect from the persons and owners of lots in said town, any sum not exceeding one hundred dollars annually, for the use and benefit of the town aforesaid, and to be applied at their discretion; and any constable of the county aforesaid, shall have power to collect any such taxes on the order of the trustees aforesaid, or a majority of them.

Convey lots.

Sec. 5. A majority of the trustees aforesaid, or of any trustees coming into office by virtue of this act, shall have power to convey the lots not yet deeded to the respective proprietors in fee, and which were sold

by the above named Frank Spilman in his life time, or the proprietor, or his heirs producing to them a receipt, or other written document having the signature of the said Frank Spilman thereto, shewing that the price of the lot sold has been paid, or the certificate of the acting executors, or acting executor of the last will and testament of the said Frank Spilman, deceased, or of his administrators or administrator as the case may be, to that effect, or upon other sufficient evidence that the price has been paid, which conveyance shall pass the title in such lots as effectually, to all intents and purposes, as if such conveyance had been made and executed in due form of law, by the said Frank Spilman in his life time.

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Sec. 6. *Be it further enacted*, That on the first Monday in May, 1835, and on the first Monday in May in every year thereafter, the free white male inhabitants residents in said town of Alexandria, being of the age of twenty-one years, shall and may elect five trustees, being residents of said town, who shall continue in office, and shall be the sole trustees of said town, until the next succeeding first Monday in May, and until their successors are elected; which said trustees, or a majority of them, so at any time elected, shall have all the powers, rights, interests and authorities that belong or can be exercised by the trustees, or a majority of them, herein before named in the first section of this act; and the clerk of the trustees, and in the event of his non-attendance, any justice of the peace shall have the power to hold any election for trustees under this act, at such place in said town as the trustees may designate; and at the close of the polls on each day of election in every year hereafter, the clerk or justice of the peace, as the case may be, shall proclaim the names of the trustees elected, and an entry shall be made of the election of the trustees in the record book of the trustees of said town.

Election of Trustees.

Sec. 7. *Be it further enacted*, That the trustees of said town or a majority of them, shall have full power to convey by deed in fee simple, to the purchaser or his heirs or assigns, any lot or lots in said town, that may be hereafter sold by the heirs of Frank Spilman, deceased, on the purchaser, his heirs or assigns, producing to them a certificate signed by the said heirs of the said Frank Spilman, setting forth that the purchase money has been paid. And if the lots remaining unsold are divided amongst the said heirs of Frank

Trustees may convey lots.

1834. Spilman, they the said trustees, or a majority of them, shall have full power to convey by deed in fee simple, to any purchaser, his heirs or assigns, any lot held in severalty by any such heir in consequence of such division, upon a certificate being produced to them, signed by such heir, setting forth that the purchase money has been paid for said lot; and the said trustees, or a majority of them shall have full power on a petition in writing being presented to them, signed by any one of the heirs of Frank Spilman, deceased, to convey by deed in fee simple, to all the heirs and legal representatives of Frank Spilman, deceased, the whole of the lots remaining unsold in said town.

The owner of a better title to the land, entitled to the proceeds of the lots there be one.

Sec. 8. *Be it further enacted*, That nothing herein contained, shall be so construed as to prevent any person or persons who may have a better title either in law or equity to the said land aforesaid, included in the town aforesaid, than the said Frank Spilman had in his life time therein, from recovering the money arising from the sale of the said lots, from the person or persons who may have or hereafter shall receive the same.

Trustees vested with all the powers of trustees of towns under the general law.

Sec. 9. *Be it further enacted*, That the trustees of the town aforesaid, shall be, and they are hereby invested with all the powers and authorities which belong to trustees of towns, established by the act of the General Assembly of this Commonwealth, entitled, an act concerning the establishment of towns, approved December 19, 1796, except so far as the same may be contrary to the provisions of this act.

(Approved February 22, 1834.)

CHAP. 417.—AN ACT appropriating some of the vacant lands in certain counties for the improvement of their roads.

Land warrants granted to Butler, Edmonson and Muhlenburg counties.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Register of the land office be, and he is hereby authorised and required to issue five hundred dollars worth of land warrants to Butler county, five hundred to Edmonson, and five hundred to Muhlenburg county, in warrants from one to five hundred acres each, in the name of the county courts of Butler, Edmonson and Muhlenburg, without fee.

Sec. 2. *Be it further enacted,* That the county courts of Butler, Edmonson and Muhlenburg are hereby authorised to locate, survey and patent any quantity of vacant and unappropriated land, lying within the bounds of said counties, not exceeding the quantity of acres contained in said warrants, by virtue of said warrants; and the Register of the land office is hereby required to receive the plats and certificates, and issue patents without fee thereon; and said courts are hereby authorised to appoint their clerks, to make sale of said warrants, and transfer the same by assignment; and the Register is hereby required to issue patents to said assignee or assignees without fee.

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County courts may locate the warrants.

Patents to issue

Sec. 3. *Be it further enacted,* That it shall be the duty of said courts to appoint some fit person or persons, to lay out and apply all the means hereby given them to improve and repair such roads or parts of roads, or make such other improvements as said courts may order and direct in said counties.

Commissioners to be appointed to improve roads.

Sec. 4. *Be it further enacted,* That the county courts of the counties aforesaid, shall appoint commissioners, whose duty it shall be, to superintend the improvement of the roads in the respective counties aforesaid, under the direction of the county courts, and to assign to any person any part of said warrants they may be entitled to, for working on the roads; and the Register shall receive and register the surveys made on the warrants aforesaid, without fee, and issue patents thereon, as in other cases.

Com'rs may assign warrants.

Sec. 5. *Be it further enacted,* That the Register of the land office, be, and he is hereby required to issue to the county court of Hopkins county, without fee, five hundred dollars worth of land warrants, of one hundred acres each, to be laid upon any vacant or unappropriated land in said county, to be applied to repairing and keeping in good repair the two bridges across main Pond river, the amount to be equally divided between the two bridges; and the said county court is hereby authorised to appoint their clerk, to sell and assign said warrants, or they may in their discretion cause the same or any part thereof to be surveyed and carried into grant, and then shall sell and convey the same, and apply the proceeds to the purposes aforesaid.

Land warrants granted to Hopkins county.

Applied to repairing bridges.

Sec. 6. *Be it further enacted,* That the Register of the land office shall issue, free of charge, a land warrant in the name of the county court of Adair,

Adair county.

1834. for ten thousand acres of land, which may be located on any vacant and unappropriated land in said county of Adair, which shall be laid out by said county court of Adair, for the improvement of the several public roads in the said county, as the said county court may direct.

Russell county. Sec. 7. *Be it further enacted*, That the Register of the land office shall issue free of charge, a land warrant in the name of the county court of Russell, for five thousand acres of land, which may be located on any vacant and unappropriated land in said county of Russell, which shall be laid out by the county court of Russell, for the improvement of the several public roads in said county, as the county court shall direct.

Land nor warrants to be sold for less than \$5 per hundred acres. Sec. 8. *Be it further enacted*, That the said county courts shall not sell either for money or labor, the lands appropriated by this act, at a less rate than five dollars for one hundred acres.

Surveys not to interfere with prior claims. Sec. 9. *Be it further enacted*, That each and every patent which may issue under authority of this act, and which may include any land heretofore appropriated or surveyed under authority of law, shall be absolutely void, to all intents and purposes.

Trigg county. Sec. 10. *Be it further enacted*, That the Register of the land office, be, and he is hereby authorised to issue to the county court of Trigg, land warrants for four thousand acres of land, to be located on any vacant lands in said county, and to be applied to the improvement of the roads in said county.

[Approved February 22, 1834.]

CHAP. 418.—AN ACT to establish an Election Precinct in Bourbon County, and authorising the Court to appoint a Constable, and for other purposes.

Election precinct. Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of Bourbon county, included in the following boundaries, shall constitute an election precinct, to be called and known as the Ruddells' Mill precinct, viz: beginning where the county line crosses the road leading from Cynthiana to Paris, and thence with said road to Captain Henry Evatts', and thence with the road leading from Lexington to Ruddells' mill, to the crossing of Stoner, at the mouth of Flat run, thence up said run to the Steel ford road, thence with said road

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to the Millersburg precinct line, thence with said line to the county line, and thence with the county line to the beginning. The elections therein to be held at the house now occupied by Andrew W. Turner, where it shall be lawful for all qualified voters residing in said precinct to vote.

SEC. 2. *Be it further enacted*, That it shall be the duty of the county court of Bourbon to appoint judges, and a clerk to attend the elections in said precinct, at the same time that judges and a clerk are appointed for other places of voting in said county; who, when appointed, shall be governed by the laws now in force, regulating elections, subject to the same penalties, and entitled to the same emoluments; and the sheriff of Bourbon or a deputy, shall also attend the elections in said precinct. Judges, &c. to attend elections

SEC. 3. *Be it further enacted*, That any person in said precinct voting a second time at the same election in any other precinct or at the Court-house, shall be subject to all the penalties now imposed by law, for voting a second time at the same election. Penalty for voting twice.

SEC. 4. *Be it further enacted*, That if the Bourbon county court shall deem it expedient, it shall have power to appoint an additional constable for said county of Bourbon, whose residence shall be at, or within one half mile of Ruddells' mills. Bourbon county court may appoint another constable.

SEC. 5. *Be it further enacted*, That an additional justice of the peace, and an additional constable be allowed to Floyd county; the constable to reside at the time of his appointment in Paintsville. A justice of the peace and constable allowed to Floyd county.

SEC. 6. *Be it further enacted*, That the county court of Shelby county, be authorised to appoint an additional constable for Shelby county, to reside in Christiansburg in said county. A constable to Shelby county.

SEC. 7. *Be it further enacted*, That the place of voting now established at Susan Moses' in Graves county, be changed, and that it hereafter be holden in the town of Feliciana in said county, at the house of James K. Farr. Place of voting in Graves county changed.

SEC. 8. *Be it further enacted*, That there shall be an additional constable in Mercer county, who shall reside in that part of said county, called Shaker-bend of the Kentucky river, below Shaker Town, and above the mouth of Shawnee run. A constable to Mercer county.

SEC. 9. *Be it further enacted*, That there shall be appointed one additional constable in the county of To Daviess county.

1834. Daviess, who shall reside within three miles of the town of Knottsville.

To Hopkins
county.

Sec. 10. *Be it further enacted*, That there shall be allowed an additional constable to the county of Hopkins, to reside in the south-western corner of said county, within six miles of D. Yandell.

[Approved February 22, 1834.]

CHAP. 419.—AN ACT to extend the bounds of the town of Elizabeth, in Hardin county, Kentucky.

Town bounds
extended.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the bounds of the town of Elizabeth, in the county of Hardin, be, and they are hereby extended one quarter of a mile in each direction from the public square, making the square the centre of the extension which shall be laid off in a square.

Trustees may
open streets.

Sec. 2. *Be it further enacted*, That the trustees of said town, and their successors in office, shall have the right under the rules and regulations hereinafter prescribed, at any time to open such streets and alleys as the public convenience may demand, and in the judgment of the trustees may seem necessary and right.

A majority to
concur.

Sec. 3. *Be it further enacted*, That when said trustees may deem it necessary to open any street or alley, a board of said trustees shall be called, and the matter decided upon by vote; and a majority of all the trustees elected shall concur in opening any street or alley; when said trustees shall determine to open any street or alley, they shall cause to be issued by their secretary, process, and signed by the President of the board, and directed to the town officer, directing him to summon twelve discreet freeholders residing without the proposed extension, commanding them on a particular day to attend and value and condemn any ground that may be set apart, and laid off for a street or alley.

Ground to be
condemned.

Owners to have
notice.

Sec. 4. *Be it further enacted*, That the said President of said board shall cause to be delivered a notice in writing, signed by himself, giving to the owner or owners of said ground so laid off, ten days notice of the time of assessment; the officer summoning said jury, shall empanel and swear said jury, well and

Damages to be
assessed by a
jury.

1834.

truly to enquire into the damage which the individual owner or owners of said land will sustain by reason of the opening said streets and alleys, and surrendering the title thereto; said jury shall return their verdict in writing, signed by one of their own body as foreman; and the land thus condemned and valued, shall be perpetually kept opened and used for the use of streets or alleys, as the case may be: *Provided, however,* The owners of land may have a right to peremptory challenge of three of said pannell, and any number for good cause.

Sec. 5. *Be it further enacted,* That the owner or occupier of any lands thus condemned, shall have a right to use, enjoy and possess the same after such finding, until the amount of the verdict be paid him, or paid into the clerk's office of the county court for his use and benefit.

Owner to use the land till the damages be paid.

Sec. 6. *Be it further enacted,* That with a view to carry this act into effect, the said trustees, and their successors in office, shall have the right upon the *ad valorem* principle, to levy a tax upon all such property of the citizens of the town, and those owning one or more lots therein, as is now taxed by law for revenue purposes, to be governed by the lists of taxable property, as may be necessary from time to time to pay, and satisfy all such damages as may be awarded to individuals under this act.

A town tax to be levied to pay damages.

Sec. 7. *Be it further enacted,* That said trustees shall have a right to appoint a collector for the town, who shall execute a bond with such penalty as may be agreed upon with one or more securities, payable to the trustees of said town, conditioned for the faithful collection of all sums levied, and to perform such other duties as may be enjoined on him; upon which bond proceedings may be had in the circuit courts, or before a justice of the peace, having regard to their present jurisdiction, for the recovery of any damages for a failure to perform its conditions; said trustees after having made such levy, shall make out a list affixing opposite to the name of each man, the amount with which he is chargeable, and deliver the same to the collector, who shall have the same powers to enforce their collection, as the collectors of revenue and county levy now have.

A collector to be appointed. To give bond.

Sec. 8. *Be it further enacted,* That it shall be the duty of the trustees of said town, before they proceed to lay off any street or alley, to cause to be made an

Surveys to be made and recorded.

1834. actual survey of the plan of said town and enlargement, with a representation on the plan of each street or alley which is to be opened, together with the number and size of each lot laid off or to be laid off, which plan shall be returned with the explanatory notes of the surveyor to the trustees of said town, who shall cause the same to be returned to the county court of Hardin, and noted on the order book of said court, and ordered to be recorded in one of the deed books of the county court of said county, and the clerk shall record the same; which plan or a copy thereof, shall be evidence in any controversy which may arise in relation to said town.

Collector's pay. Sec. 9. *Be it further enacted*, That said trustees shall from time to time allow said town officer or collector, such compensation as may be adequate to their services.

Jurisdiction over extended bounds. Sec. 10. *Be it further enacted*, That said trustees shall have all of the powers over said extended boundaries, as are now given to trustees of towns, under the general laws.

Who shall vote for trustees. Sec. 11. *Be it further enacted*, That no person shall be allowed to vote in said town for trustees, unless he shall have resided in said town twelve months next preceding the election, and shall have attained the age of twenty-one years, or has one or more lots in said town: *Provided*, That each and every person who may by any of the provisions of this act be disqualified from voting for trustees of said town, shall be exempt from town tax, and from town labor in said town.

Proviso.

(Approved February 22, 1834.)

CHAP. 420.—AN ACT allowing an appropriation of Land Warrants to assist in the completion of a Bridge across the mouth of Straight creek in Harlan county, and for other purposes.

6000 acres of land in Harlan county appropriated to build a bridge across Straight creek. Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Register of the land office, be, and he is hereby required to issue a land warrant in the name of the county court of Harlan, without the state price being paid therefor, for six thousand acres of land, lying within the county of Harlan, for the purpose of building a bridge across Straight creek, in the county aforesaid, at or near the mouth of said creek.

Sec. 2. *Be it further enacted*, That upon the assignment of any plat and certificate of survey, made by virtue of any part of said warrant, the Register of the land office shall issue a patent or patents without fee, in favor of the assignee for the land embraced in said survey. 1834.

Patents to issue on the plats & certificates of surveys.

Sec. 3. *Be it further enacted*, That John Hendrixson and Abraham Lock of Harlan county, be, and they are hereby appointed commissioners to sell the warrant, and appropriate the proceeds thereof to the building of said bridge; and before they enter on the discharge of their duties as commissioners, they shall enter into bond with approved security, in the penal sum of three hundred dollars each, in the Harlan county court, which bond may be put in suit for every breach of its condition: *Provided, however*, That any patent issued by virtue of this act, on any land heretofore appropriated or surveyed by authority of law, shall be absolutely void to all intents and purposes.

Commissioners appointed to carry this act into effect.

To give bond and security.

Proviso.

Sec. 4. *Be it further enacted*, That the commissioners aforesaid, shall be entitled to seventy-five cents per day, for the time they may be necessarily engaged in the duties required by the county court aforesaid, and their services shall be paid out of the proceeds of the aforesaid land warrant: *Provided, however*, That the said commissioners shall not sell the aforesaid land warrant for a less sum than five dollars per hundred acres, and that no survey shall be for a less quantity than fifty acres.

Allowance to the commissioners.

Proviso.

Sec. 5. *Be it further enacted*, That the Auditor of public accounts, be, and he is hereby directed to issue his warrant upon the Treasurer in favor of David R. Murray, Morris Ryon and Creed Haynes, for the sum of three hundred dollars, to be paid out of the funds provided by an act passed at the present session, entitled, an act to provide for the payment of subscriptions and appropriations to objects of internal improvements, which said sum of three hundred dollars, the said D. R. Murray, Morris Ryon and Creed Haynes shall expend in improving the state road leading from Bowlinggreen to Clover Port, and upon that portion of said road which lies within the county of Breckenridge.

\$300 appropriated to improve the road from Bowlinggreen to Clover Port. Out of what funds to be paid

Sec. 6. *Be it further enacted*, That before the Auditor of public accounts shall issue his warrant as herein provided, the said Murray, Ryon and Haynes

1834.

The commissioners to give bond and security before the money can be drawn.

shall file in his office a certificate of the county court clerk of Breckenridge, that they have entered into bond with security, payable to the Commonwealth, for the faithful application of said three hundred dollars to the objects specified.

[Approved February 22, 1834.]

CHAP. 421.—AN ACT to authorise the County Court of Hancock, to sell a part of the public ground in Hawesville, and for other purposes.

The justices of the county court authorised to sell and convey a lot of ground in Hawesville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the justices of the peace now in commission, or their successors in office in the county of Hancock, a majority being present, be, and they are hereby authorised and empowered to sell and convey a certain portion of the public lands, donated to the county by the former proprietor thereof, in the town of Hawesville, and described as follows: that part upon which the county court heretofore granted to Charles V. Lander leave to erect a Ware house, lying on the river bank, and between said river and water street, immediately above the street leading from the Court-house to the river, leaving one hundred feet for water street, running one hundred and four and a half feet on water street, and from each end of said one hundred and four and a half feet at right angles, in a direction to the river, and to lie in a square; for the purpose of a more specific description of the parcel of land aforesaid, the county court shall lay off and describe the same by metes and bounds; and when they shall have effected a sale, it shall be lawful for said justices to sign, seal and deliver to the purchaser a deed in accordance to the bargain, and acknowledge the same before the clerk of the county court of Hancock, which deed shall vest the title in the purchaser; and the original or a certified copy from the office, to be read as evidence of the fact in any controversy which may arise in relation to said property.

The county court of Grant authorised to sell their stray pen.

SEC. 2. *Be it further enacted,* That the county court of Grant county is hereby authorised to dispose of a lot of ground in the town of Williamstown, on which the stray pen of said county was formerly erected, and to appropriate the proceeds to lessening the county levy.

(Approved February 22, 1834.)

CHAP. 422.—AN ACT to authorise the depositions of Judges to be taken in common law cases.

1834.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the depositions of the judges of the Court of Appeals, and of the circuit courts may be taken on reasonable notice, in all cases at common law, to be read *de bene esse*; and upon proof being made, that the judge whose deposition thus taken is engaged in holding a court, or in going to or returning therefrom, the same shall be allowed to be read in chief; subject, nevertheless, to the rules that govern the like evidence in other cases.

The depositions of the judges of the court of appeals and circuit courts authorised to be taken *de bene esse* and used in the trial of common law cases, &c.

[Approved February 22, 1834.]

CHAP. 423.—AN ACT to open and improve the road from Leesburg in Harrison County, to intersect the Georgetown and Cincinnati Turnpike road.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Lewis Kendall and William Furnace of the county of Harrison, Jeremiah Morgan and Absalom Skirvin of the county of Grant, be, and they are hereby appointed commissioners, who, or a majority of them, shall view and mark a road, the nearest and best way practicable through their respective counties, commencing at Leesburg, in Harrison county, by the way of Lewis Kendall's on Raven creek, to intersect the Georgetown and Cincinnati turnpike road, above Williamstown, in the county of Grant; and it shall be the duties of said commissioners, so soon as they shall have completed the viewing and marking said road, to lay it off into convenient sections or precincts, and shall make report of their proceedings, with the probable number of hands necessary for the immediate opening and working of said road, to the next county court of their respective counties.

Commissioners appointed to view the road on the proposed route,

and lay it off into precincts, and designate the number of hands.

SEC. 2. *Be it further enacted,* That it shall be the duty of the respective county courts of the aforesaid counties, immediately upon the receipt of the reports of their commissioners, to make an order for working and cleaning out said road, the work to be done within three months after making such order, which road shall not be less than thirty, nor exceed forty feet in width; and shall appoint a surveyor upon each section

The county courts of Grant and Harrison to appoint surveyors of the precincts to open and clear out the same.

1834.

or precinct, as laid off by the commissioners, and shall allot him the number of hands to which he is entitled, and the boundaries from whence they are to be drawn; copies of the above described orders of court shall be given to each surveyor appointed by their respective county courts, under the provisions of this act, within ten days after granting the same by the sheriff or any constable of the county.

Penalty for failing or refusing to work on the road when duly notified.

SEC. 3. That each and every person who shall fail or refuse to do his duty in working and clearing out said road, after having been duly notified by the surveyor, shall be subject to be dealt with in every respect as is at present authorised, under the existing laws on the subject of roads; and if any of the several surveyors who shall be appointed under the provisions of this act, shall fail or refuse to perform the duties assigned him without good cause shewn, he shall forfeit and pay the sum of ten dollars, recoverable upon information before the county court of the county in which he or they shall have been appointed: *Provided, however,* That ten days previous notice be given to the delinquent.

Fines, how recovered and applied.

Land may be condemned for the road.

SEC. 4. That when any person through whose land the said road shall be viewed, shall object to the opening the same, the sheriff of the county in which the land may lie, shall, on being directed by the commissioners, summon a jury to meet upon the land, on a certain day in the commissioners order mentioned, who shall be qualified, to ascertain the damages that may arise to him or them from opening said road; which, together with the sheriff's fees, shall be paid out of the next county levy of the county in which said land may lay, the claims being first allowed by the county court.

Damages, how paid.

Commissioners to make their reports to their respective courts.

SEC. 5. That the aforementioned commissioners, or a majority of them, shall, after the completion of the work done upon said road, agreeable to the provisions of this act, report the same to their respective county courts; and said county courts shall, if they deem the work complete, as required by law, receive said reports—discharge said commissioners from any further service, under the provisions of this act, and shall allow them a reasonable compensation for their services, to be paid out of the next county levy of their respective counties.

Allowance to be made to them.

[Approved February 22, 1834.] 4

CHAP. 424.—AN ACT for the benefit of John H. Slaughter.

1834.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John H. Slaughter of Rockcastle county, be allowed two years from the passage of this act, to survey and carry into grant, one thousand acres of land in Rockcastle county, at the price of five dollars per hundred acres, by virtue of an entry made by said Slaughter, in the office of the surveyor of Rockcastle county, under an act, called the Salt Water act.

Further time allowed him to carry into grant certain lands.

[Approved February 22, 1834.]

CHAP. 425.—AN ACT for the benefit of William Shackelford.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of sixteen dollars, be, and the same is hereby allowed William Shackelford, in full of all costs and charges for pursuing and apprehending Willis Wellford, who was charged with felony, and escaped from the county of Whitley.

SEC. 2. *Be it further enacted,* That the Auditor, be, and he is hereby directed to issue his warrant upon the Treasury, in favor of said Shackelford for said sum of sixteen dollars; which sum the Treasurer is hereby directed to pay out of any money in the Treasury, not otherwise appropriated.

[Approved February 22, 1834.]

CHAP. 426.—AN ACT allowing an additional Constable to the County of Campbell, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That one additional constable be allowed to the county of Campbell, to reside within the bounds of the seventh constable's district, and in the neighborhood of Samuel Sayre's in said county.

One additional constable allowed to Campbell,

SEC. 2. *Be it further enacted,* That there shall be one additional constable allowed to the county of Whitley, who shall reside on Carr's fork of Wats' creek.

and one to Whitley.

(Approved February 22, 1834.)

1834.

CHAP. 427.—AN ACT to erect an election precinct in Livingston County.

Bounds of the precinct.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Livingston county in the following bounds, viz: beginning at the mouth of Clay Lick Creek, running with said creek to Rees', thence a direct line to George Elders on the Bellville road, thence with said road to the brick meeting house on the Ford's ferry road, thence with said Bellville road to the county line, thence to the Caldwell county line, thence with said line to the Cumberland river, thence with said river to the beginning, shall be an election precinct in the county of Livingston; and that the election be held at Theopalus Cooksays, on the road leading to Ford's ferry on the Ohio river in said precinct.

(Approved February 22, 1834.)

Place of voting thereon.

CHAP. 428.—AN ACT to establish and regulate Election precincts in Clarke County, and to enlarge and regulate the Hardwick's Creek precinct in Estill County, and for other purposes.

Boundary of the first election precinct in Clarke county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of the county of Clarke, included in the following bounds, viz: beginning at the mouth of Howard's upper creek on the Kentucky river, thence up said creek to the mouth of the Dry fork, a branch of the same, thence up the Dry fork to Claiborn Cox's, thence with the road from said Cox's that runs across to the road leading from Winchester to the Red river iron works, until it intersects the same, thence with said Red river iron works road, to a fork of the same, near the house of Silas Evans, leading into the stone quarry road, with said fork to the stone quarry road, and with the same passing the house of John Hulse to Joseph Williams' factory, thence by a straight line to the forks of Sulbegrud, thence by a straight line to the nearest point in the divisional line between the county aforesaid, and the county of Montgomery, thence with said divisional line until it strikes Red river, thence down Red river to the mouth thereof, thence down the Kentucky river to the beginning, shall be an election precinct; and that the elections be held in said pre-

cinct at the house owned and occupied at this time by James V. Karrick. 1834:

SEC. 2. *Be it further enacted*, That all that part of the county of Clarke, included within the following bounds, viz: beginning on the road leading from Winchester to Mountsterling, where the stone quarry road intersects it, thence with said road until it intersects the road leading from Mountsterling down Sulbegrud creek by Joseph Williams' factory, to the mouth of upper Howard's creek, thence by a straight line to the forks of Sulbegrud, thence by a straight line from said last mentioned road to the nearest point on the divisional line between said county, and the county of Montgomery, thence with said divisional line to the Grassy lick road, thence with said road to, and including the farm formerly owned by Isaac Constant, and by him sold and conveyed to William Poston, deceased, thence with a line including the plantation owned and possessed by Jonathan Bryan at the time of his death, and the farm owned and occupied by Jacob Wilson, to said Winchester and Mountsterling road, and thence with the said road to the beginning, shall be an election precinct; and that the elections be held in said precinct, at the house occupied by Arthur L. Parks, commonly called the "half way house."

Bounds of the second election precinct.

Place of holding elections therein.

SEC. 3. *Be it further enacted*, That all that part of the county of Clarke, included within the following bounds, viz: beginning on the Kentucky river at the Boonsborough ferry, thence with the Winchester road to the town of Winchester, thence by a line around and excluding said town to the road leading from Winchester to Paris, thence with said road to the divisional line between said county, and the county of Bourbon, thence with said line to the divisional line between the counties of Clarke and Fayette, thence with said line to Boon's creek, thence with said creek to the Kentucky river, thence up said river to the beginning, shall be an election precinct; and that the elections be held in said precinct, at the house now owned and occupied by Colby H. Taylor.

Bounds of the third election precinct.

Place of voting at Colbyville.

SEC. 4. *Be it further enacted*, That the county court of Clarke shall appoint judges and clerks to conduct the elections in said precincts, and if any of the judges or clerks so appointed, shall fail to act, the vacancy shall be filled in the manner prescribed by law.

The county court of Clarke to appoint judges and clerks to conduct elections therein.

1834

Sheriffs to attend and compare the polls.

SEC. 5. *Be it further enacted*, That the sheriff of the county aforesaid, shall by himself or deputies attend the elections in said precincts, and shall conduct the same according to law, and he shall, at the Court-house of his county, on the Saturday next succeeding the close of the election, compare the polls according to law.

Each voter to vote at the precinct in which he resides.

Proviso.

SEC. 6. *Be it further enacted*, That hereafter it shall not be lawful for any person to vote at any precinct in said county, except the qualified voter, who shall be actually residing within the bounds of said election precinct, at the time of the commencement of the election, any former law or usage to the contrary notwithstanding: *Provided, however*, That it shall be lawful for the voters residing within the bounds of said precincts, to vote at the Court-house of said county as heretofore, but subject to the penalties prescribed by law, for the offence of voting more than once at the same election.

The election precinct in Estill county enlarged.

Place of voting therein changed

SEC. 7. *Be it further enacted*, That the election precinct established in Estill county, by the sixth section of the act entitled, "an act to establish an election precinct in the county of Ohio, and other counties," approved January 22, 1829, and commonly called the Hardwick's creek precinct, be so enlarged as to include therein Woodward's creek, and all the voters living on the waters thereof; and that hereafter the elections in said precinct shall be held at the house now occupied by Wilday McKenney, instead of the house of Moses Sharp, as provided for in said sixth section.

The bounds of the election precinct in Bracken county changed.

SEC. 8. *Be it further enacted*, That so much of a law establishing an election precinct in Bracken county, known by the name of the Snag precinct, as relates to the bounds thereof, and place of voting, be, and the same is hereby repealed—*And be it further enacted*, That the bounds of said precinct shall be as follows, viz: beginning at the mouth of Locust creek, and up said creek to the fork above Burnes' mills, thence up the right hand or Cedar fork, until it strikes the line of Power precinct, thence with said line to the Pendleton county line, thence with said county line to the Ohio river, thence up the same to the beginning.

The place of voting therein.

SEC. 9. *Be it further enacted*, That the place of voting in said precinct, be changed from the house of Joseph Houston, to the house of Andrew McClanahan.

(Approved February 22, 1834.)

CHAP. 429.—AN ACT for the benefit of the heirs of Samuel Monson.

1834.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that Samuel Monson, late of Nicholas county, has departed this life intestate, and that his slaves and personal estate are insufficient to pay his debts: Therefore,

Recital.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That William McClintock, administrator, and Margaret Monson, administratrix of said decedent, are hereby directed to file a petition in the Nicholas circuit court, making the heirs of said decedent defendants thereto, and alledging that the circumstances and condition of the estate, and amount of debts as near as they can, over the amount of the slaves and personal estate, and praying for the sale of two small tracts of land, containing about twenty-one and one half acres, lying in the counties of Harrison and Bourbon, which descended to said heirs from said decedent, for the purpose of paying his debts; and also, praying for a sale for the same purpose, of the interest of said heirs in some dower slaves which were held by the mother of said decedent in her life time, as the dower of her deceased husband's estate.

The circuit court of Nicholas authorised to decree a sale of the lands & slaves of the deceased, for the payment of debts.

SEC. 2. *Be it further enacted,* That said petition shall be subject to the same proceedings that are had in like cases in chancery; and the court shall have power to appoint commissioners to value said tracts of land, and the interests of said heirs in said dower slaves, and make any order deemed expedient by said court on the said administrator and administratrix, to settle their accounts or give a schedule of the debts of said decedent, or any other order deemed necessary by said court, to enable it to decide on the expediency of selling said land, and the interest of said heirs in said dower slaves; and if said court on hearing said petition, shall be of opinion that it is necessary to make sale of the same or any part thereof, for the payment of the debts of the said decedent, it shall decree such sale to be made by said administrator and administratrix on such credit and in such manner as shall be directed in said decree; and said court shall require said administrator and administratrix to execute bond with sufficient security, and in a sufficient penalty in open court, conditioned for the faithful administration and distribution of the proceeds of said sale, which bond

A schedule of the debts to be returned to the circuit court before a decree is rendered.

The administrators to give additional bond and security.

1834

Sheriffs to attend and compare the polls.

SEC. 5. *Be it further enacted*, That the sheriff of the county aforesaid, shall by himself or deputies attend the elections in said precincts, and shall conduct the same according to law, and he shall, at the Court-house of his county, on the Saturday next succeeding the close of the election, compare the polls according to law.

Each voter to vote at the precinct in which he resides.

Proviso.

SEC. 6. *Be it further enacted*, That hereafter it shall not be lawful for any person to vote at any precinct in said county, except the qualified voter, who shall be actually residing within the bounds of said election precinct, at the time of the commencement of the election, any former law or usage to the contrary notwithstanding: *Provided, however*, That it shall be lawful for the voters residing within the bounds of said precincts, to vote at the Court-house of said county as heretofore, but subject to the penalties prescribed by law, for the offence of voting more than once at the same election.

The election precinct in Estill county enlarged.

Place of voting therein changed

SEC. 7. *Be it further enacted*, That the election precinct established in Estill county, by the sixth section of the act entitled, "an act to establish an election precinct in the county of Ohio, and other counties," approved January 22, 1829, and commonly called the Hardwick's creek precinct, be so enlarged as to include therein Woodward's creek, and all the voters living on the waters thereof; and that hereafter the elections in said precinct shall be held at the house now occupied by Wilday McKenney, instead of the house of Moses Sharp, as provided for in said sixth section.

The bounds of the election precinct in Bracken county changed.

SEC. 8. *Be it further enacted*, That so much of a law establishing an election precinct in Bracken county, known by the name of the Snag precinct, as relates to the bounds thereof, and place of voting, be, and the same is hereby repealed—*And be it further enacted*, That the bounds of said precinct shall be as follows, viz: beginning at the mouth of Locust creek, and up said creek to the fork above Burnes' mills, thence up the right hand or Cedar fork, until it strikes the line of Power precinct, thence with said line to the Pendleton county line, thence with said county line to the Ohio river, thence up the same to the beginning.

The place of voting therein

SEC. 9. *Be it further enacted*, That the place of voting in said precinct, be changed from the house of Joseph Houston, to the house of Andrew McClanahan.

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The circuit court of Nicholas authorised to decree a sale of the lands & slaves of the deceased, for the payment of debts.

SEC. 2. *Be it further enacted,* That said petition shall be subject to the same proceedings that are had in like cases in chancery; and the court shall have power to appoint commissioners to value said tracts of land, and the interests of said heirs in said dower slaves, and make any order deemed expedient by said court on the said administrator and administratrix, to settle their accounts or give a schedule of the debts of said decedent, or any other order deemed necessary by said court, to enable it to decide on the expediency of selling said land, and the interest of said heirs in said dower slaves; and if said court on hearing said petition, shall be of opinion that it is necessary to make sale of the same or any part thereof, for the payment of the debts of the said decedent, it shall decree such sale to be made by said administrator and administratrix on such credit and in such manner as shall be directed in said decree; and said court shall require said administrator and administratrix to execute bond with sufficient security, and in a sufficient penalty in open court, conditioned for the faithful administration and distribution of the proceeds of said sale, which bond

A schedule of the debts to be returned to the circuit court before a decree is rendered.

The administrators to give additional bond and security.

1834. shall be payable to the Commonwealth of Kentucky, and shall not become void upon the first recovery, but may be put in suit and prosecuted from time to time, by and at the costs of any party injured by a breach thereof, until the whole penalty be recovered thereupon. And said administrator and administratrix shall report their proceedings to said court, and settle their accounts with said court whenever required so to do. And said court shall also direct, and cause said administrator and administratrix to convey said land or so much thereof as may be sold to the purchaser or purchasers by deed, but without warranty, and at such time as shall be deemed most expedient by said court.

Conveyances
to be made in
pursuance of
the sale.

The guardians
of the infant
heirs to give
bond and secu-
rity, &c.

SEC. 3. *Be it further enacted*, That before the guardian or guardians of the heirs of said decedent, shall receive any surplus which remains after paying the debts of said decedent, such guardian or guardians shall execute bond with good security in said circuit court, payable to the Commonwealth, conditioned for the discharge of his or their duties, and the payment of such surplus to his or her wards.

[Approved February 22, 1834.]

CHAP. 430.—AN ACT to regulate the terms of certain Circuit Courts, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Anderson circuit court shall hold its terms, commencing on the third Monday in February, the last Monday in May, and fourth Monday in August, and may set twelve judicial days at the February term, and six judicial days at the May, and until the Saturday inclusive, preceding the first Monday in September, at the August term, if the business of the court may require it.

The Anderson
circuit courts,
when to be held

SEC. 2. The county of Woodford shall be added to the fourth judicial district, and shall commence its terms on the first Mondays in March, June and September, and may sit twelve judicial days at each term, and the county court in said county shall commence its terms on the third Monday in each month in which the circuit court is held, and on the first Monday in every other month.

The county of
Woodford ad-
ded to the 4th
District.
Circuit court
therein, when to
be held.

County courts,
when to be held.

SEC. 3. The Franklin circuit court shall commence its terms on the third Mondays in March, June and September, and may continue twelve juridical days at each term. 1834.

The Franklin circuit courts, when to be held.

SEC. 4. The Gallatin circuit court shall commence its terms on the first Mondays in April, July and October, and may continue six juridical days at each term if necessary. The Gallatin circuit courts, when to be held.

SEC. 5. The Henry circuit court shall commence its terms on the second Mondays in April, July and October, and may sit twelve juridical days if the business shall require it. The Henry circuit courts, when to be held.

SEC. 6. The Shelby circuit court shall commence its terms on the fourth Mondays in April, July and October, and may continue twelve juridical days if the business shall require it. The Shelby circuit courts, when to be held.

SEC. 7. The General Court shall hold its terms, commencing on the first Monday in January, and the Tuesday succeeding the second Monday in August in each year, and continue twelve juridical days if necessary. The General court, when to be held.

SEC. 8. There shall be held in the county of Anderson, a special chancery term for the trial of chancery causes, to commence on the last Monday in November in each year, and may sit six juridical days if necessary. A chancery term to be held in Anderson annually.

SEC. 9. *Be it further enacted,* That hereafter the Lawrence circuit court shall commence on the fourth Monday in April, July and October, and continue six juridical days if necessary; and the Pike circuit court shall commence on the first Monday succeeding the fourth Monday in April, July and October, and continue six juridical days if necessary; and the Floyd circuit court shall commence on the second Monday succeeding the fourth Monday in April, July and October, and continue six juridical days if necessary; and the Morgan circuit court shall commence on the third Monday succeeding the fourth Monday in April, July and October, and continue six juridical days if necessary. Times of holding the Lawrence circuit court changed. The Pike circuit court, when to be held. The Floyd circuit court, when to be held.

SEC. 10. *Be it further enacted,* That hereafter the Pike county court shall commence on the first Monday in each month; and the Floyd county court shall commence on the second in each month; and the Lawrence county court shall commence on the third Monday in each month: *Provided,* That there shall be no county court held in either of the said counties Time of holding the county courts of Pike, Floyd and Lawrence.

1834. in this section mentioned, in the month in which a circuit court is held.

All suits, motions, &c. returnable to the terms as fixed by this act.

SEC. 11. *Be it further enacted*, That all suits, indictments, prosecutions and motions in either of said courts, shall stand returnable to the first terms respectively of said courts, after the passage and going into effect of this act.

Commencing clause.

SEC. 12. *Be it further enacted*, That this act shall so far as it relates to the county courts of the counties of Lawrence, Floyd, Pike and Morgan, take effect from and after the first day of March next.

[Approved February 22, 1834.]

CHAP. 431.—AN ACT to improve and open the road from the Rocky Spring, in Harrison County, by the way of Colemansville to Williamstown, in Grant County.

Commissioners appointed to have the proposed road opened and improved.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Casen and Whitehead Coleman, of the county of Harrison, Thomas Dance and John Conyer, of the county of Pendleton, and John Zinn and Thomas Clarke, of the county of Grant, be, and they are hereby appointed commissioners for the purpose of improving and opening the road leading from the Rocky Springs, in Harrison county, by the way of Colemansville to Williamstown, in Grant county, agreeably to the provisions of this act.

To meet and take an oath of office.

SEC. 2. *Be it further enacted*, That said commissioners, or a majority of them, shall assemble at the court house in the county of Grant, on or before the second Monday in April next, and take an oath before some justice of the peace of said county, faithfully to discharge the duties enjoined on them by the provisions of this act.

To cause the road to be opened.

SEC. 3. *Be it further enacted*, That it shall be the duty of said commissioners, or a majority of them so qualified, to cause said road to be so opened and improved as may seem to them most necessary and proper.

To cause subscription books to be opened.

SEC. 4. *Be it further enacted*, That said commissioners shall open a subscription for voluntary contributions to aid in the opening and improving of said road, which subscription shall be payable to such of said commissioners as shall execute bond as herein required; and the said commissioners shall have power to

sue for and collect the same, and appropriate the proceeds agreeably to the provisions of this act; or they may assign and transfer the said subscription list to such person or persons as they may engage to undertake the opening and improvement of said road; and in the event of such assignment, the assignee or assignees may sue thereon in his or their proper names.

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Subscriptions to be collected & appropriated to opening the road.

SEC. 5. *Be it further enacted*, That said commissioners, or such of them as shall qualify in pursuance of the provisions of this act, shall, before they enter upon the duties hereby prescribed, execute bond, in the penalty of two thousand dollars, payable to the commonwealth of Kentucky, with one or more sufficient securities, to be approved of by the county court of Grant, conditioned for the true and faithful performance of the several duties which may devolve on said commissioners under the provisions of this act; which said bond shall be deposited for safe keeping in the county court clerk's office of said county of Grant.

To give bond and security.

Condition thereof.

SEC. 6. *Be it further enacted*, That whenever the said commissioners shall prove to the satisfaction of the county court of Grant county, that they have collected by private subscription five hundred dollars, and shall produce a certificate thereof to the auditor of public accounts, he shall be authorised, and is hereby required to issue his warrant on the treasury for the sum of five hundred dollars, payable to said commissioners, or such of them as may have qualified and executed bond as herein before required.

An appropriation made by the state to aid in this object.

SEC. 7. *Be it further enacted*, That should any vacancy occur in said board of commissioners, either by death, removal, resignation, or refusal to qualify, or give bond as herein required, the respective county courts in which such vacancy shall occur, are hereby authorised to fill the same by appointing some well qualified person or persons of the same county; and said person or persons so appointed, shall be qualified by some justice of the peace in the county in which he or they may reside, and shall enter into bond with good and sufficient security, to be approved by the county court of Grant, for the faithful performance of the duties heretofore mentioned.

Vacancies in the office of commissioners, how to be filled.

The commis's thus appointed, to give bond and security.

SEC. 8. *Be it further enacted*, That as soon as said commissioners shall have received the aforementioned five hundred dollars from the state treasury, they shall proceed to expend and lay out the same, as well as the amount collected by private subscription, in re-

The whole amount received to be laid out on the road.

1834. pairing and opening said road in the most advantageous manner, commencing at the worst places, and proceeding therein, until the whole shall be expended.

Commissioners to make report to Grant county court.

Bond may be sued on and the com's removed from office on a failure in their duty.

Proviso.

Sec. 9. *Be it further enacted*, That the said aforementioned commissioners, or such of them as shall have given bond and qualified agreeably to the provisions of this act, shall from time to time report their proceedings under this act to the county court of Grant; which court shall have full power to compel a performance of their duties, and may at any time put the bond aforesaid in suit for any breach of its conditions; and said commissioners may be removed from office for any misconduct or neglect of duties, by the county court of the county in which he or they may reside, provided a majority of the court shall concur therein: *Provided, however*, That the money appropriated by this act shall be paid out of the funds set apart by an act of the present session, entitled, an act to provide for the payment of subscriptions and appropriations to objects of internal improvements.

(Approved February 22, 1834.)

CHAP. 432.—AN ACT to improve the navigation of Muddy River.

Commissioners appointed to remove the obstructions to navigation in said river.

And authorised to receive subscriptions to be applied to that object.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Isaac Browning, of the county of Logan, and Samuel Arnold, of Butler county, and John Hunt, of Muhlenburg county, be, and they are hereby appointed commissioners to open and to remove obstructions to the navigation of Muddy river, commencing at the mouth of said stream, and going upwards so far as said river is declared navigable, if the funds in their hands be sufficient; and they are hereby authorised to raise by subscription any sum not exceeding five hundred dollars, in money, labor, or property, for the purposes aforesaid; and the said commissioners, or a majority of them, are hereby authorised to cause all obstructions to the navigation of said stream to be removed, and do all other acts and things that they may deem necessary for the improvement of the navigation of said stream.

\$500 appropriated by the state to that object.

Sec. 2. *Be it further enacted*, That the sum of five hundred dollars be, and the same is hereby appropriated on the part of the state, in aid of the subscription hereby authorised to be raised; and the auditor

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of public accounts is hereby directed to issue his warrant to the said commissioners for that sum upon the treasurer, out of the funds provided by an act of Assembly passed at the present session, entitled, an act to provide for the payment of subscriptions and appropriations to objects of internal improvements.

SEC. 3. *Be it further enacted,* That it shall be the duty of said commissioners, before they proceed to act as such, to enter into bond with good and sufficient security, in the penal sum of one thousand dollars, with condition that they will well and truly execute the trust reposed in them by this act; which bond shall be approved of by the county court of Butler county, and made payable to the Governor of the Commonwealth of Kentucky and his successors; and may be at all times put in suit in the name of the commonwealth, for the recovery of damages from said commissioners, in case they should be guilty of any breach of its condition, or when they shall fail to apply, or misapply, the funds or labor which may have been placed under their control and disposal, to aid in the improvement of the navigation of said stream.

Com'rs to give bond and security.

Condition thereof.

May be sued on.

SEC. 4. *Be it further enacted,* That the said commissioners who may act under the provisions of this act, shall each be allowed one dollar per day, to be ascertained and allowed by the county courts of Butler and Muhlenburg counties, to be paid out of the county levy of the aforesaid counties; that the said commissioners shall from time to time file with the county court clerks an affidavit, stating the precise number of days that each may have been engaged in the service prescribed by this act.

Allowance to the com'rs, and how paid.

SEC. 5. *Be it further enacted,* That if either of the said commissioners herein named shall fail or refuse to act, or comply with the provisions of this act, it shall be the duty of the county courts of Butler or Muhlenburg to appoint some fit person as commissioners, to fill the vacancy occasioned by such refusal or failure to comply; who, when appointed, shall in every respect perform the duties enjoined by this act, and be subject to the same penalties and liabilities, and entitled to the same compensation as the commissioners herein named would have been, had he or they have acted in pursuance thereof.

The county courts of Butler or Muhlenburg may appoint new com'rs.

(Approved February 22, 1834.)

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CHAP. 433.—AN ACT appropriating an additional sum of money for the erection of a Bridge across Rockcastle River, on the Wilderness Road.

\$2000 appropriated in addition to the former appropriation.

The plan of the bridge may be changed.

Out of what fund to be paid.

A part of the tolls of the road to be applied to the repair of the bridge when necessary.

The Legislature reserve the right of making it a toll bridge.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the further sum of two thousand dollars be, and the same is hereby appropriated for the erection of a bridge across Rockcastle river on the Madison fork of the Turnpike and Wilderness road, in addition to the sum appropriated by an act, entitled, an act to provide for the erection of a bridge across Rockcastle river on the Turnpike and Wilderness road, approved December 23, 1831, under the same restrictions and regulations contained in said recited act, except so far as relates to the mode of constructing said bridge—in which particular. the commissioners may adopt the Wernwag principle, if deemed preferable, and have no middle pillar. The additional appropriation herein made, to be paid out of the funds provided by an act passed at the present session, entitled, an act to provide for the payment of subscriptions and appropriations to objects of internal improvements, under the same restrictions and conditions contained in said recited act.

Sec. 2. *Be it further enacted,* That so much of the money arising from tolls collected on said road, as may be necessary for that purpose, be, and the same is hereby appropriated to the keeping in repair said bridge when completed.

Sec. 3. *Be it further enacted,* That the right is hereby reserved to the General Assembly of the Commonwealth of Kentucky, when it may be deemed expedient, to establish a reasonable rate of tolls for the use and passage of said bridge, and to provide for the collection of the same, and for their appropriation and payment, according to the respective interests of the state and individuals.

[Approved February 22, 1834.]

CHAP. 434.—AN ACT to amend in part and repeal in part an act to incorporate a Company to establish a Turnpike Road from the City of Louisville, by the way of the mouth of Salt River, Elizabethtown, Munfordsville, and Bowlinggreen, to the state line, in a direction to Nashville.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the third

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section of an act, entitled, "an act to incorporate a company to establish a turnpike road from the city of Louisville, by the mouth of Salt River, Elizabethtown, Munfordsville, and Bowlinggreen, to the state line, in the direction of Nashville," as appoints commissioners to open books for the subscription of stock in said company, be, and the same is hereby repealed; and James Crutcher, Benjamin Helm, H. G. Wintersmith, Hugh Mullholland, Squire Larm, and John L. Helm, of the town of Elizabethtown—and James Young, and James W. Hall, at the mouth of Salt River—and Edmund T. Bainbridge, John W. Tyler, C. M. Strader, Willis Stewart, H. M. Shreve, John Jones, (tanner,) W. R. Carter, R. C. Thompson, Richard Furgerson, H. C. Pope, and Walker Alsop, of the city of Louisville and county of Jefferson, be, and they are hereby appointed commissioners to open books and receive subscriptions for stock in said corporation, according to the provisions of the before recited act.

So much of the recited act as appoints commissioners to receive subscriptions repealed.

New commissioners appointed for that purpose.

Sec. 2. *Be it further enacted,* That so much of the thirteenth section of said act as makes it necessary for said company to cause said road to be made sixty feet wide and twenty feet thereof McAdamised, be, and the same is hereby repealed.

A portion of the 13th section repealed.

Sec. 3. *Be it further enacted,* That said company shall cause said road to be made fifty feet wide, thrown up and graduated, at least sixteen feet of which shall be McAdamised, according to the provisions of said charter.

The plan on which the road is to be constructed.

Sec. 4. *Be it further enacted,* That it shall be considered a compliance with the provisions of the before recited charter, for said corporation or company to construct and complete said road from the city of Louisville by way of the mouth of Salt river, to Elizabethtown.

If the road be completed to Elizabethtown—considered a compliance with the charter

Sec. 5. *Be it further enacted,* That the right on the part of the state is hereby expressly reserved of purchasing from individual stockholders their shares or subscription for stock in said company, at any time within twenty years from the passage of this act, by paying to the respective subscribers, or their assigns, heirs, administrators, or executors, the amount which they may have paid on each share, together with six per centum per annum interest thereon, from the date of such payment until the time of redemption: *Provided, however,* That the nett dividend on said stock under six per centum per annum which may have been

The right of the state to purchase the stock of the company reserved.

The terms of purchase prescribed.

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declared, shall be deducted from said six per centum per annum: all nett profit above six per centum per annum is to go to the individual stockholder; and if the state within that time shall not have purchased the whole stock of individuals, as far as purchases have been made the stock thus purchased shall become vested in this commonwealth.

The county court of Hardin authorised to subscribe for stock in the company.

Sec. 6. *Be it further enacted*, That the county court of Hardin, a majority of the justices in commission being present, shall have the right for and on behalf of the citizens of said county, to subscribe for stock in said company, and to receive, for county purposes, dividends as private individuals do, subject, however, to redemption, according to the provisions of this act.

The number of directors reduced.

Sec. 7. *Be it further enacted*, That so much of said act as requires the appointment of twenty-five directors, be, and the same is hereby repealed; and that said company shall annually elect ten directors and a president to manage and conduct its affairs.

\$10,000 of the state subscription to be expended in Hardin county.

Sec. 8. *Be it further enacted*, That a sum equal to the sum which may be subscribed in the county of Hardin, not exceeding ten thousand dollars, out of the money heretofore appropriated for the improvement of said road, shall be expended in improving so much of said road as may lie in the county of Hardin, as the same in addition to the subscription made up in Hardin, will do: *Provided, however*, That nothing in this section shall be so construed as to prohibit the directors from expending a greater sum than that, if they should think it proper and right to do so.

Proviso.

[Approved February 22, 1834.]

CHAP. 435.—AN ACT to improve the navigation of Tradewater River.

\$1,000 appropriated to that object and commissioners appointed for the same.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be appropriated out of any money in the treasury of this commonwealth not otherwise appropriated, for the improvement of Tradewater river, and for the purpose of opening the same, the sum of one thousand dollars; and that Ira Nunn, of Livingston county, Coleman Brown, of Caldwell county, Jacob Hendrick, of Hopkins county, and John Imboden, of Union county, be, and they are hereby appointed commissioners to superintend the work to be done on said stream.

Sec. 2. *Be it further enacted*, That the said commissioners before they enter upon the duties prescribed in the first section of this act, shall enter into bond in their respective county courts, with good security, in the penal sum of five hundred dollars each, conditioned that they will truly and faithfully apply the money hereby appropriated to the improvement of the navigation of said river from the mouth thereof to Wilson's old mill, beginning at the mouth of said river.

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Commissioners to give bond & security.

Condition thereof.

Sec. 3. *Be it further enacted*, That said commissioners, or a majority of them, as soon as may be after having entered into bond as required in the second section of this act, shall proceed to hire hands to cut and clear the logs, rafts, and remove the other obstructions in said river, and to cut and remove the stooping trees from over said stream, and otherwise improve the navigation of said stream in any way that will in their opinion facilitate the navigation thereof.

Duty of the commissioners prescribed.

Sec. 4. *Be it further enacted*, That the auditor of public accounts is hereby directed to issue his warrant on the treasurer of this commonwealth for the aforesaid sum of one thousand dollars, which sum the treasurer aforesaid is hereby directed to pay out of the funds provided by an act of the present session entitled, an act to provide for the payment of subscriptions and appropriations to objects of internal improvements, to the aforesaid commissioners, or a majority of them, or their order, upon their severally obtaining the certificate of the clerk of each of their county courts of their having entered into bond and security as required by the second section of this act, and producing the certificate to the treasurer.

Out of what fund the appropriation made.

The court first to certify that the commissioners have given bond, &c.

Sec. 5. *Be it further enacted*, That the said commissioners shall be entitled to the sum of one dollar per day, each, out of the money hereby appropriated, for every day they may be necessarily employed in superintending said work.

Allowance to the comm'rs.

Sec. 6. *Be it further enacted*, That after the commissioners have convened at the mouth of said river, and examined said river, and adopted a plan by which it is to be worked, it will not be necessary for more than one at a time to superintend said work.

One com'r may superintend the work.

Sec. 7. *Be it further enacted*, That the several county courts in which the bonds herein directed to be executed shall be filed, may cause the same to be put in suit from time to time when any failure or default may take place, and in addition to the sum misapplied

Suits may be commenced against the commissioners for default in their duty.

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And they may
be removed
from office.

Reports to be
made by them
of their proceed-
ings.

and unaccounted for by such commissioner, thirty per cent. damages shall be recovered, together with costs; and either of said county courts (a majority of all the justices thereof being present) may appoint any other person deemed suitable, in lieu of the commissioner herein named within their county, and remove a commissioner for any neglect of duty or malfeasance; said commissioners shall make out a report of their actings and doings once in six months after they commence their work, and a copy of said report shall be filed in each of the aforesaid counties, subject to their approval.

(Approved February 22, 1834.)

CHAP. 436.—AN ACT to appropriate four hundred dollars to aid in improving the state road leading from Owenborough to Bowling-green.

Recital.

Whereas, it is represented, that the state road leading from Owenborough, on the Ohio river, to Bowling-green, is frequently impassable where it crosses the flats of North Panther creek, in Daviess county, and an embankment is necessary to elevate it above the floodings of the water; and it appearing that the county court of said county, from the peculiar situation and locality of said county, has to maintain many county bridges—there being six on Panther creek—and is thereby rendered unable to effect the desired work without some assistance from the state:

\$400 to be raised by subscription of the county and individuals, &c. And place the same in the hands of commissioners.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That whenever the county court of Daviess county shall, by levy, in aid of private subscription, cause to be raised the sum of four hundred dollars, and place the same in the hands of Barna May, Christopher D. Jackson, Samuel Johnson, and John Hathway, who, or any two of them are hereby appointed commissioners to superintend the improvement of said road, by erecting such embankments and bridges as will secure the free passage of wagons and travellers at high water; and cause them to execute bond and security for the faithful performance of said work, in the penalty of one thousand dollars, by the laying out and applying all money which comes to their hands to the aforesaid improvements on

said road: all which shall be certified by the clerk of Daviess county court to the auditor of public accounts.

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SEC. 2. *Be it further enacted*, That the sum of four hundred dollars shall be paid by the state, to be applied to the improvements on said road; and the said commissioners who shall act, are authorised to draw on the treasury for the same, and the auditor is hereby directed to draw on the treasury for the same, whenever it shall appear to him that the county has raised the four hundred dollars specified in this act, and placed the same in their hands; and moreover that bond and security has been given in accordance with the provisions of the first section: *Provided, however*, That the money hereby appropriated on the part of the commonwealth, shall be paid out of the funds appropriated by an act of Assembly passed at the present session, entitled, an act to provide for the payment of subscriptions and appropriations to objects of internal improvements.

\$400 appropriated to the same object by the state.

Com's to give bond and security.

Proviso.

[Approved February 22, 1834.]

CHAP. 437.—AN ACT to add a part of Bracken County to the County of Harrison.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the line between the counties of Harrison and Bracken, shall be as follows, viz: Beginning at the mouth of Garrard's branch on the east bank of Licking river, thence up said branch to the dividing ridge between the waters of the north fork of Licking, and the waters of West creek, thence on the top of said ridge in an eastwardly direction to the Harrison county line.

Bounds of the addition.

(Approved February 22, 1834.)

CHAP. 438.—AN ACT to reduce the number of Justices of the Peace in Clarke County, and to authorise an additional Constable's District therein.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall not be lawful for the county court of Clarke to nominate for appointment persons to fill the office of justice of the

No nominations of justices of the peace to be made in Clarke county

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until the number is reduced to fifteen.

The county c't to lay off the county into 8 constable's districts.

peace, in case of vacancies occurring by death, resignation, removal, or otherwise, until the whole number of justices of the peace in said county shall be reduced to fifteen in number; and that thereafter the number of justices of the peace in said county shall be fifteen, instead of nineteen, as now provided for by law.

SEC. 2. *Be it further enacted*, That the Clarke county court be authorised to make eight constable's districts in said county, instead of seven, as now provided for by law, if said court shall deem it expedient.

[Approved February 22, 1834.]

CHAP. 439.—AN ACT to abolish the February Chancery Term of, the Montgomery Circuit Court.

The February chancery term in Montgomery abolished.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act providing that the Montgomery circuit court shall hold a chancery term on the third Monday in February, in each year, shall be, and the same is hereby repealed.

[Approved February 22, 1834.]

CHAP. 440.—AN ACT for the benefit of the wife and children of Thomas Q. Roberts.

Mercer circuit court may decree a sale of real estate held in trust for Mrs. Roberts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the wife and children of Thomas Q. Roberts, jointly with Mary May and Christopher L. Jones, to file their petition in the Mercer circuit court, setting forth the estate held in trust for the wife and children of the said Roberts in the county of Mercer; and alledging that it would promote their interest to have the same sold, and the proceeds vested in other estate in the city of Louisville or county of Jefferson; and thereupon, the court shall in all respects proceed on said petition as directed by an act for the benefit of the wife and children of Thomas Q. Roberts, approved the 28th of January, 1829.

[Approved February 22, 1834.]

CHAP. 441.—AN ACT to incorporate the Green River Turnpike Road Company.

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed for the purpose of making a turnpike or artificial road from the town of Hopkinsville, through the counties of Caldwell and Livingston, to some point on the Ohio river, under the name and style of the Green River Turnpike Road Company.

A company incorporated and style thereof.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be two hundred thousand dollars, divided into shares of one hundred dollars each.

Amount of the capital stock.

SEC. 3. *Be it further enacted*, That books for the subscription of stock in said company, shall be opened on the first Monday in June next: at Hopkinsville, under the direction of William H. Tegarden, John H. Phelps, Zachariah Glass, George Ward, John Buckner, James W. Ewing, James Breathitt, and John P. Campbell, or any three of them; at Princeton, in Caldwell county, under the direction of Elijah Shephardson, A. Harpending, Thomas Haynes, Samuel Campbell, Francis W. Urey, and John H. Rackerby, or any three of them; at Salem, in Livingston county, under the direction of Joseph Watts, James L. Dallam, John Bayless, and William Johnson, or any three of them; and when the books to be opened as aforesaid shall have been kept open one month, they shall be sent to the commissioners at Hopkinsville; and if two hundred and fifty shares shall be subscribed on said books, notice shall be given in the newspapers printed in Hopkinsville and Princeton, that a meeting of the stockholders will be held in the town of Princeton at such time as the commissioners may appoint, for the election of one president, fifteen managers, one treasurer, and such other officers as the stockholders may think necessary, who shall hold their offices for one year, and until others shall be duly elected and qualified; and the said president, managers, and treasurer, shall, before they enter upon the duties of their offices, take an oath before some justice of the peace, that they will faithfully discharge the duties of president, managers, or treasurer, (as the case may be,) without favor or affection, according to the best of their judgment. The treasurer of said company shall, before he enters upon the duties of his office, give bond, with two or more securities, in such penalty as

Books to be opened for the subscription of stock at Hopkinsville,

At Princeton,

At Salem.

Whenever 250 shares are subscribed—notice to be given to the stockholders for a general meeting to elect a president and directors, and other officers.

President, managers and treasurer to take an oath of office.

Treasurer to give bond and security.

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Condition thereof.

the president and managers may direct, payable to the president and managers of said company, conditioned that he will faithfully discharge the duties of treasurer of said company, and that he will, when called on, pay the amount of money in his hands to the order of the president and managers, and that he will perform the duties required of him by the by-laws of said company.

Form of obligation to be signed by the subscribers.

Sec. 4. *Be it further enacted*, That the commissioners aforesaid, or some two or more of them at each place, shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, viz: "We, whose names are hereunto subscribed, promise to pay to the president, managers, and company, of the Green River Turnpike Road Company, the sum of one hundred dollars for every share of stock in said company, set opposite to our names, in such manner and proportion, and at such times as shall be required by the president and managers of said company, and agreeable to an act of the General Assembly of Kentucky incorporating said company. Witness our hands this day of 1834."

Commissioners to give notice of time and place of opening books.

The said commissioners, or a majority of them, shall give notice in the newspapers printed in Hopkinsville and Princeton of the times and places of opening the books for the subscription of stock in said company; and that they will continue open until the amount of capital stock shall be subscribed.

Upon election of officers, company made a corporate body. Style thereof.

SEC. 5. *Be it further enacted*, That upon the election and qualification of the president and managers as aforesaid, they shall be a body politic and corporate, in deed and in law, by the name, style, and title of the Green River Turnpike Road Company, and by the said name the said company shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof: and of purchasing, taking, and holding, to them and their successors and assigns, and of selling, transferring, and conveying, in fee simple, all such lands, tenements, and hereditaments, and real estate, and such personal estate, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record or any other place whatever; and also to have a common seal, and to do all and every other matter

With the powers usually granted to corporate bodies. To purchase, hold, sell and convey real and personal estate. To sue and be sued.

To have a seal.

or thing which a body politic or corporate may lawfully do.

1834.

SEC. 6. *Be it further enacted*, That if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act, the said president and managers may enlarge it to such amount as they may deem necessary, and open subscription therefor, in such manner as they may think proper.

May enlarge capital stock.

SEC. 7. *Be it further enacted*, That as soon as the sum of twenty-five thousand dollars in stock is subscribed, and the president and managers are elected and qualified as aforesaid, it shall be the duty of the Governor of this state for the time being to subscribe for and on behalf of the state the like sum of twenty-five thousand dollars in the stock of said company; and whenever thereafter the further sum of twelve thousand five hundred dollars is subscribed in the stock of said company by individuals, companies, or corporations, it shall be the duty of the Governor in like manner to subscribe for and on behalf of the state the further sum of twelve thousand five hundred dollars in said stock, and again to subscribe the further sum of twelve thousand five hundred dollars, in the same manner and upon the same conditions last above specified, making in the aggregate the sum of fifty thousand dollars in the stock to be subscribed for and on behalf of the state, upon the conditions above prescribed, to be paid by instalments as provided for in this act, like other stockholders; which sums the president and managers are allowed to draw for upon the treasurer of this state out of the funds provided by an act of Assembly passed at the present session, entitled, an act for the payment of subscriptions and appropriations to objects of internal improvements: *Provided, however*, That the treasurer shall only pay so much in proportion upon the stock of the commonwealth, as the president and managers shall certify to him has been paid by individual stockholders upon their stock on any such instalments.

Whenever the sum of \$25,000 is subscribed a subscription of stock authorised on the part of the state by the Governor, and out of what fund to be paid.

Proviso.

SEC. 8. *Be it further enacted*, That the number of votes to which each stockholder may be entitled, shall be according to the number of shares he shall hold; and after the first election, no share or shares shall confer a right of voting, which shall not have been holden three months previous to the election. The stockholders may vote in person or by proxy in writing; and no person who is not a resident of one of the counties through which the road passes, and a stock-

Regulations in regard to voting on the stock.

Who may be officers in the company.

1834.

None but stockholders can be president or director.

Annual meetings to be held for the election of those officers, and statement to be submitted.

The days of the annual meeting and election to be fixed by the company.

holder, shall be eligible to the office of president, manager, or treasurer; and the president and manager, or treasurer, shall cease to be such, on his or their ceasing to be a stockholder. The annual election for a president and managers shall be held at such time and place as the president and managers may direct; at which time, the president shall lay before the stockholders an expose of the situation of said company; also the record of their proceedings for the preceding year. The company shall have power to fix the days and places of their annual meetings and general elections, and to pass all by-laws necessary for the regulation of their proceedings and interests. A failure to make an election according to such by-laws as the company may adopt, or the provisions of this act, at the time and place provided for, shall not prevent an election thereafter of the officers aforesaid, by a majority of stockholders in amount of shares; and in all cases of election by stockholders, a majority of the stock shall be represented,

Certificate of stock to be issued.

Stock may be transferred.

And the transferee entitled to all the rights of the original subscriber.

Sec. 9. *Be it further enacted,* That the president and managers first chosen as aforesaid, shall deliver a certificate signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation, to each shareholder for the stock by him subscribed and held; which certificates shall be transferable on the books of said corporation, in person or by attorney; but no share shall be transferred, until all the calls and arrearages are paid thereon. The original certificate of the share or shares transferred, shall be surrendered, and a new certificate shall issue to the purchaser, who shall then be a member of said corporation, and entitled to all the privileges and benefits that the original owner was entitled to.

Called meetings of the stockholders may be held. President and directors to keep a record of their proceedings.

May elect a president pro tem.

May allow compensation to officers.

Sec. 10. *Be it further enacted,* That the president may call meetings of the managers at such times and places as they may think proper—a majority of all the managers necessary for the transaction of business. They shall keep a record of all their proceedings, to be entered in a book provided for that purpose, and shall be signed by the president; and in case of the absence of the president, the managers shall elect a president, *pro tempore*, and they shall adjourn from time to time as they may think proper. The board of managers may also allow the president and treasurer such compensation for their services as they may deem reasonable and expedient.

SEC. 11. *Be it further enacted,* That the president and managers shall have power to fill vacancies in their own body, occasioned by death, resignation, or otherwise; to agree with and appoint all such surveyors, engineers, superintendents, artists, and officers, as they shall judge necessary to carry on the contemplated work; and to fix their salaries and wages, and to remove any of them at pleasure; to prescribe the time, manner, and proportions in which the stockholders shall make payments on their respective shares to carry on said work; to draw orders on the treasurer for all moneys necessary therefor, and to do all such matters and things as by this charter and the by-laws of the corporation they are authorised to do.

1834.

Authorised to fill vacancies in their own body. To appoint officers and Engineers, &c. & fix their wages, &c.
To make calls on subscribers.
To draw on the treasurer.

SEC. 12. *Be it further enacted,* That the president and managers of said company shall give notice in the papers printed in Hopkinsville and Princeton, for at least thirty days, of the amount of the call on each share of stock, and of the time of payment; and if any stockholder shall neglect or refuse to pay his proportion of the stock, for the space of thirty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of one per cent. per month, for every delay of such payment; and if he shall fail to pay the amount of such call and the penalty aforesaid, for the space of six months after the time such payment is required, he shall forfeit such share or shares to the corporation, and the amount that shall have been paid thereon; and the president, by order of the managers, after having given ten days' notice, may proceed to sell such forfeited shares: *Provided,* they will bring the amount due and unpaid upon said share or shares: *And provided, also,* That no shareholder shall vote at any election, or be entitled to the rights of a member of said corporation, until the whole amount due and payable as aforesaid on the share or shares by him held, shall have been paid agreeable to the requisitions of the president and managers of said company.

Notice of calls on the stockholders to be given.
Penalty on stockholders for failing to pay up the calls on stock when made.
The stock may be forfeited upon a failure to pay the calls—and sold for the amount due.
Proviso.

SEC. 13. *Be it further enacted,* That the several county courts of the counties through which the road above mentioned may pass, are hereby authorised to subscribe for stock in said company, and to meet said subscription by such addition to their county levy as may be necessary; and that the profit arising from said stock shall hereafter be applied to the lessening

The county courts through which the road passes, may subscribe for stock.

1834.

And vote
thereon.

The manner &
plan upon
which said road
may be con-
structed.

The President
and directors to
fix the route of
said road,

and authorised
to enter upon
and examine
the lands of in-
dividuals, with
a view to the se-
lection of the
route and
materials.

Points designa-
ted thro' which
the road is to
pass.

Two plats of
the road to be
made out—one
for the use of
the state.

The mode in
which the com-
pany may ac-
quire the title to

the county levies in said counties respectively. They may also exercise the same right of voting, by their respective agents or officers appointed by them respectively for that purpose, and all other rights and privileges with other stockholders.

Sec. 14. *Be it further enacted*, That the said road shall be so levelled and graded, that when completed, its greatest elevation shall not exceed four and a half degrees. The width of the graded part of said road shall be not less than thirty nor more than fifty feet, and the portion of it covered with metal or McAdamized stone, shall be not less than sixteen feet, and be fully nine inches in thickness or depth, from side to side, of that width; and provided that the sixth section of this act is not retained, so far as the state is concerned in taking and holding stock in said company, then the graded portion of the road may, at the direction of the president and directors, be made twenty-four feet wide, and the covered part eight feet wide. The stone intended to be used for covering, shall be in size not larger than will pass through a ring of two inches diameter.

Sec. 15. *Be it further enacted*, That it shall be the duty of the president and managers of said company, or a majority of them, to fix the route over which the said road shall pass, between the places designated in this act; and for that purpose to employ all necessary surveyors, agents, engineers, artists, and chain carriers, &c. at the costs of the company; and they are hereby authorised to enter in and upon the land, and inclosures, public roads, and highways, in, through, and over which said intended road may be thought proper to pass, and to examine and survey the ground therefor, and to examine for quarries, beds of stone, and other materials necessary for the completion and repairs of said road; and having due regard to economy, they shall locate the road on as direct a line as the ground will admit of, from Hopkinsville to some point on the Ohio river; and they shall cause two accurate plats of survey of the located line of said road to be made out—one of which shall be deposited in the office of the secretary of state, and the other with the treasurer of the company.

Sec. 16. *Be it further enacted*, That the said president and managers shall have power, under the restrictions hereinafter mentioned, to determine, fix, and locate the route over which the said road, or any part

thereof, will pass; and when they shall deem it expedient to examine and survey any proposed route, over and through premises and inclosures, the private property of any person or persons, they shall give notice to such person or persons, if residents of this commonwealth, and if non-residents, femes covert, or infants, to their agents, husbands, or guardians, in writing, ten days previously, of their intention to examine and survey said proposed route, and request their assent thereto; and the same time in said notice informing said person or persons that if said assent is withheld, they will (as hereinafter provided for) call upon viewers to assess the damages arising and accruing to them from said survey; and in the event of said person or persons withholding their assent, the said president and managers, or the officers by them employed in surveying said route, shall call upon two disinterested housekeepers, who (being first duly sworn) shall decide upon the amount of damages, if any, which will be sustained by such person or persons from the proposed examination and survey of their premises: *Provided*, The said president, managers, and company, shall, within ten days after the finding of said viewers, elect to pay, and actually pay or tender, to the said person or persons in favor of whom the same has been assessed, the amount so determined and found to be due, they shall be, and are hereby authorised and empowered to enter in and upon the lands and enclosures of said person or persons, and survey and examine the ground, stone, gravel, quarries, and other materials, which they may deem suitable and necessary for the location and construction of the proposed road.

Sec. 17. *Be it further enacted*, That after any survey and examination has been made in conformity with the provisions of the foregoing sixteenth section of this act, if the said president and managers shall elect to construct the turnpike on said route, they shall give to the proprietor or proprietors thereof, if residents, and if non-residents, femes covert, or infants, to their agents, husbands, or guardians, three days' notice in writing, of their decision thereon, and request their assent to the same; but provided the assent requested should be refused or withheld, then, and in that event, the said president and managers, or the agents and officers by them employed, may apply to any justice of the peace in the county where the assent is so refused or withheld, for a writ in the nature of a writ of *ad*

1834.

land on which
to construct the
road, and for
materials.

Proviso.

May take any
lands, timber,
&c. for s'd road
—notice having
been given the
proprietors, &c.

1834.

Justice to have
a jury summon-
ed to assess
damages.

Oath to be ad-
ministered to
jurors.

Jury to return
their verdict in
writing:—pay,
&c.

If payment is
tendered, the
company to
have the right
to open road.

quod damnum; and the said justice shall be, and he is hereby authorised and required to issue said writ, to be directed to any constable of the county, commanding him to summon twelve discreet and disinterested housekeepers of the vicinage, to meet at some certain place on the ground over which the said survey has been made, and at the time mentioned in said writ. And it shall be the duty of some justice of the peace in the county where the land lies, to attend at the time and place mentioned in said writ, and conduct and preside over said inquest; and upon being satisfied by proper evidence, that the proprietor or proprietors of the land in question, if residents, and if non-residents, femes covert, or infants, their agents, husbands, or guardians, have had ten days' notice in writing, of the said proposed inquest, together with the time and place of holding the same, he the said justice, (extending to the parties the common law right of challenge,) shall administer to such jurors as may be elected, the following oath: "You, and each of you, do solemnly swear (or affirm) that you will impartially and to the best of your skill and judgment, view the land to be appropriated to the use of the said president, managers, and company of the Green River Turnpike Road Company, taking into view the advantages as well as the disadvantages to the proprietor or proprietors of said land, ascertain the damages which said proprietor or proprietors will sustain thereby."

Sec. 18. *Be it further enacted*, That the said jury shall return their verdict in writing to the said justice of the peace, whose duty it shall be to keep a record of said proceedings in the same manner as he does other judicial proceedings held before him; and he shall receive for his services therein the following fees, viz: for issuing the writ, twenty-five cents, and for presiding over said inquest and making the record aforesaid, seventy-five cents; and the constable shall receive the same fees that are now by law allowed to sheriffs in cases of forcible entry and detainer; and the said fees shall be taxed as other fees, and collected off of said president, managers, and company of the Green River Turnpike Company.

Sec. 19. *Be it further enacted*, That provided the said jury shall find any damages against said company, the president and managers may elect either to pay the same or abandon the proposed route: and if they shall within twenty days after the finding of the

said jury, elect to pay the said damages, and actually pay or tender the same, they shall thereupon be, and they are hereby authorised and empowered to open, enter upon, and take possession of the same for the purpose of constructing the said turnpike road.

1834.

Sec. 20. *Be it further enacted*, That all examinations and surveys made by said president and managers for the purpose of obtaining information touching any proposed location of said road, or the procurement of materials for the construction of the same, shall be conducted according to the provisions contained in the foregoing sixteenth, seventeenth, eighteenth, and nineteenth sections of this act; and all proceedings had by said president and managers with the view of acquiring possession and use of the soil, either as a foundation for the said turnpike road, or as a source of supply of materials for the construction thereof, shall be conducted in conformity with the provisions and the requisitions of the seventeenth, eighteenth, and nineteenth sections of this act.

Manner of making surveys &c. prescribed.

Sec. 21. *Be it further enacted*, That the said president and managers shall in no case, without the consent of the owner in writing first obtained, institute any proceeding under this act, the object of which is to acquire the title to the soil, until they shall have first examined, surveyed, and distinctly ascertained, and marked out the extent and boundary of such contemplated possession. But after having made said survey, they may thereupon proceed, according to the provisions of this act, to acquire and take possession thereof, and use the same in any manner they may think proper, towards the construction of said road.

Shall not commence proceedings without first obtaining consent of owners in writing.

Sec. 22. *Be it further enacted*, That so soon as the president, managers, and company, shall have completed any five miles of said road continuously, they shall call on three justices of the peace in the county in which said five miles, or the greater part thereof, shall be located, who are not interested in the stock of said company; and if they shall certify that said road is made in conformity to the provisions of this act, their certificate shall be recorded in the office of the clerk of the county court of said county, and the president and managers may cause a toll gate to be erected across said road, and may collect the tolls and duties hereinafter granted to said company, from all persons travelling with horses, cattle, or carriages: and in case such disinterested justices cannot be found, the

When any five continuous miles of said road is certified to be completed, a toll gate may be erected for collecting tolls.

1834.

Circuit or county courts may appoint commissioners to inspect so much of said road as is completed.

Court or Judge shall say how many gates.

Proviso.

President and directors may appoint toll gatherers.

Rates of toll allowed said company.

president and managers may give notice thereof to the circuit or county courts of said county, and on such notice being entered of record, the said court shall appoint three fit and discreet persons commissioners, whose duty it shall be to inspect said road, or so much thereof as shall be completed; and if it shall be their opinion that the road, or any five miles of it at one part, is completed according to the provisions of this act, their report shall be recorded in said circuit or county court, and the judge or court shall enter of record how many gates the company may erect: whereupon, it shall be lawful for the company to erect a toll gate for every five miles of turnpike road they have so completed, at any one time, and at such places as to them may seem most eligible: *Provided*, That no toll gate shall be erected within less than two-thirds of a mile of any incorporated town.

SEC. 23. *Be it further enacted*, That when the said gate or gates shall be erected as aforesaid, it shall and may be lawful for the president and managers to appoint as many toll-gatherers as they may deem requisite, and to collect and receive of, and from all and every person or persons using said road, at each toll gate, for each and every five miles they may use or travel on, the tolls and rates hereinafter mentioned; and to stop any person riding, leading, or driving any horse or mule, or driving any cattle, sheep, hogs, sulkey, chair, chaise, phaeton, cart, wagon, or any other carriage of pleasure or burden, from passing through said gate or turnpike, until they shall have paid toll agreeable to the following rates, to wit: For every twenty head of sheep, hogs, or other small stock, six and a fourth cents; for every ten head of cattle, six and a fourth cents; for every horse, mule, ass, or other four-footed animal of a larger kind, except cattle, four cents; for every two wheel pleasure carriage, eight cents, exclusive of the beasts by which it is drawn and the person or persons transported in it; for every four wheel pleasure carriage, sixteen cents, exclusive as above; for every cart, if empty, twelve and one half cents, and with a burden, eighteen and three-fourth cents; for every four wheel wagon, or other carriage of burden, whose wheels shall not exceed three inches in width, twenty-five cents; for every such carriage of burden, whose wheels shall exceed three inches, but are not more than six inches in width, twenty cents; for every such carriage of burden whose wheels shall

exceed six inches in width, ten cents, exclusive of the established tolls herein, of the beasts by which they are drawn; for every person, two cents. The president and managers shall cause printed lists of the rates of toll to be affixed on or near the gates across said road.

1834.

Sec. 24. *Be it further enacted*, That if any person or persons liable to pay the tolls aforesaid, at either of the toll gates erected in pursuance of the aforesaid provisions, shall, with intent to defraud the company aforesaid, pass through any private gate or bars, or along or over any grounds or lands near to or adjoining any turnpike or gate; or with intent aforesaid, shall take off, or cause to be taken off, any horse, cattle, or other thing on which toll should be paid; or with intent to lessen or evade the payment of any such toll or duty, shall practice any other fraud or device, or use force, such person so offending, shall, for every such offence, respectively forfeit and pay, over and above the tolls, to the president and managers of said company, a sum not less than one, nor more than five dollars, recoverable before any justice of the peace, in like manner as other debts of equal amount are in other cases.

Penalty for passing the road without paying tolls, or for evading their payment—or defrauding the company.

How recovered

Sec. 25. *Be it further enacted*, That if at any time the said road shall be out of repair for the space of ten days, it shall be lawful for any person to call on two justices of the peace in the county through which the road passes, to go and inspect said road; and if upon such examination, and receiving full proof that it had been out of repair ten days, the said justices, by their order delivered to the treasurer of said company, or in his absence, to the president, or to the nearest toll-gatherer, direct that no toll or duty shall be received at the gate or gates over each part of said road so found to be out of repair, until so much of the road shall be repaired and put in good order; and upon the said road being repaired, the president and managers shall call a justice of the peace, who shall cause to be summoned five disinterested freeholders to examine the road under oath; and if they shall be of opinion that the said road is in proper repair, they shall certify to that effect under their hands and seals; and the magistrate shall thereupon direct that the usual toll be demanded and taken, at the gate or gates which had been thrown open, agreeably to the provisions of this act.

The collection of tolls may be suspended by order of two justices of the peace, until the road is repaired if declared out of repair.

The collection of tolls may be resumed when the road shall be declared in good order.

1834.

Penalty for demanding or receiving greater tolls than are allowed by law, or for receiving toll when the road shall be declared out of repair.

The President and Directors to keep an account of the receipts and expenditures. To be submitted to the inspection of the shareholders. Semi-annual dividends to be declared.

Pr. & Directors to take bond & security of the officers.

Penalty for destroying or defacing any mile stone, sign board or the posted rates of toll.

How recovered

The trees within 150 feet of the road not to be deadened or belted and left to decay.

Under a penalty of \$10.

Sec. 26. *Be it further enacted*, That if any toll-gatherer or other shall demand, take, or receive, a greater amount of toll than is provided for in this act, or shall take or receive toll when the road is declared to be out of repair, the person so offending shall forfeit the sum of ten dollars, one half of which may be claimed by the party injured, to be recovered before any justice of the peace, as other debts of a like amount.

Sec. 27. *Be it further enacted*, That the president and managers shall keep a fair account of all the receipts and expenditures of the company, which shall at all times be open to the inspection of any stockholder, and be laid before the shareholders at their general meetings: they shall, at the end of every six months after the completion of said road, make a dividend of the clear profits, and pay it to the stockholders. The dividends shall be declared on the first of May and first of November in each year, unless otherwise ordered by the by-laws of said company.

Sec. 28. The president and managers shall take bonds with good security, from the gate keepers and other persons employed by them, for the faithful discharge of the duties assigned them respectively; which bonds they may cause to be renewed whenever they may deem it necessary, payable to the president, managers, and company, aforesaid.

Sec. 29. *Be it further enacted*, That if any person shall wilfully break, deface, pull down, or destroy any mile-stone, or other post which the company may erect or set up on the side of said road; or shall break or tear down any sign board, or obliterate any letters or figures thereon; or tear down or obliterate the rates of toll set up on or near any turnpike gate; such person so offending, shall, for every such offence, forfeit and pay a sum not less than one dollar, nor more than ten dollars, according to the value of the article injured—to be sued for and recovered, as other sums are, before any justice of the peace of the county.

Sec. 30. *Be it further enacted*, That if any person shall belt or deaden timber, and leave it standing to rot or decay, within one hundred and fifty feet of said road, so that the lives of passengers along the road may at any time be endangered thereby, such person so offending, shall forfeit and pay the sum of ten dollars, to be sued for and recovered as in other cases mentioned; and the owners of land along said road

are hereby required to cause to be cut down all such dead timber as may be left standing within the distance of the road specified, under the penalty of one dollar for every dead tree thus suffered to stand.

1834.

Such trees to be cut down.

Sec. 31. *Be it further enacted*, That all wheel carriages using said road, in passing other wheel carriages, shall keep on the right hand side, leaving at least one half of the track on the other side free and clear for other carriages to pass and repass, except when overtaking or passing a carriage of slower draught, when they may pass on either side the slow carriage, leaving sufficient space: and every carter, wagoner, or driver, offending against the provisions of this act, and failing to do as hereby required, shall be liable to the person injured for all damages sustained, and a fine of five dollars, to be recovered before any justice of the peace as aforesaid.

Wheel carriages to keep to the right hand side in passing each other, &c.

Penalty for a failure to observe this regulation.

Sec. 32. *Be it further enacted*, That all prosecutions for the penalties under the provisions of this act, shall be maintained and prosecuted at any time within six months after the offence was committed, and not afterwards, unless such suits shall have been commenced within the time specified.

Prosecutions for fines under this act to be commenced within six months.

Sec. 33. *Be it further enacted*, That when any five miles of the said road is completed, the said president, managers, and company, may contract for, purchase, and hold to them and their successors forever, any quantity of land not exceeding one acre, at the site of each toll gate erected upon said road, agreeably to the provisions of this act; and if they cannot agree for such land, at their respective gates, with the owner or owners thereof, they are authorised to possess themselves thereof, by applying to some justice of the peace in the county where the land lies, and proceeding as directed for the location of the road: *Provided, however*, That in the selection and appropriation of land under this section, the said president, directors, and company, shall not include the dwelling house, out houses, or gardens of any persons, without their consent, and shall not locate the said land so as to prevent the owner or owners of the adjacent lands from access to said road on either side of any gate, to which they would have had access, if such location had not been made.

The President and Directors may purchase one acre of ground at each toll gate.

Or cause the same to be condemned under the provisions of the preceding sections.

Proviso.

Sec. 34. *Be it further enacted*, That nothing in this act contained shall be so construed as to impose toll fees upon the owners of lands through which the said

Who shall be exempted from the payment of toll.

1834.

road shall pass, their horses, cattle, or servants, passing on said road from one part of their farm to another; or to impose toll fees upon *venire* men and grand jurors of the same county, passing to and from the court to which they are summoned; or persons passing to or from any funeral, or with any funeral procession; nor shall any tolls be imposed upon citizens of the county while going to and returning from the general elections in said county; nor upon militia upon days of muster, or attending courts of assessment, in pursuance of their duty; nor upon persons going to or returning from any place of public worship in the neighborhood on the Sabbath; but all such persons, with their horses or vehicles, shall for the time being pass free of toll.

The president and directors authorised to commute the toll fees for an annual stated sum from persons and families.

Such contracts to be reported to and observed by toll gatherers

If any bridge shall be erected on said road, whose cost is \$20,000, tolls may also be collected for the passage thereof equal to those for passing a gate.

If costing \$10,000, half tolls may be collected.

The right reserved to the Com. to purchase the stock in this road, &c.

SEC. 35. The president and managers shall have power to reduce the rates of toll, as provided for in this act, in all cases of persons or families who have frequent occasion to pass through one or more of the gates—such as to a neighboring town; and instead thereof, may charge a reasonable annual toll or compensation for such persons and their families, who may be then allowed to pass whenever they may think proper. The treasurer shall keep an account of all persons making these annual contracts, and inform the gate keepers thereof, and furnish them with a list of the names of those persons who may avail themselves of the advantages herein allowed.

Sec. 36. *Be it further enacted,* That if the turnpike road aforesaid shall be constructed so far as that it shall become necessary to erect any bridge, the actual cost of which shall amount to or exceed twenty thousand dollars, it shall be lawful for said company to collect tolls for the passage of said bridge equal to those specified and allowed for passing a toll gate, under this act. And if it shall become necessary to erect a bridge or bridges, the actual cost of which shall exceed ten thousand dollars, and be less than twenty thousand dollars, then the said company may collect at each of said bridges one half the amount of tolls specified and allowed to be collected at a toll gate; and gates may be erected at said bridge or bridges for the collection of said tolls: *Provided,* That the right of the state is hereby reserved to redeem the stock of individual stockholders, in the same manner and upon the same conditions as prescribed in a bill passed in, incorporating a company to turnpike the road from Franklin to Crab Orchard.

Sec 37. *Be it further enacted*, That if the construction of said road shall not be commenced within the term of three years from and after the passage of this act, all the corporate powers hereby granted to said company, shall cease and determine.

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[Approved February 22, 1834.]

CHAP. 442.—AN ACT to enlarge the boundaries of Georgetown, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the county of Scott as is contained within the present bounds of Georgetown, as defined in the plan of said town recorded in the office of the clerk of Scott county, and of that part of said county, beginning at the north-west corner of the out lots of Georgetown, near the house of Reisin V. Loward, thence west with the north line of said town to the middle of the spring branch, thence south with the middle of the spring branch and the west boundaries of Georgetown to the beginning corner of said town, thence south to a stone in a direct line west of the south-west corner of the out lots of Georgetown, thence east to the south-west corner of the out lots of the town of Georgetown, as defined in the platt of said town, shall be, and is hereby declared to be the town of Georgetown; and as such, by that name, shall be capable by law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, in all matters whatsoever, and in all courts and places.

Boundaries of Georgetown described.

Powers.

SEC. 2. *Be it further enacted*, That the fiscal, prudential, and municipal concerns of said town, with the government and control thereof, shall be vested in one principal officer, to be styled the Chairman of the Board of Trustees, and eight Trustees, all of whom, for the first time, shall be elected on the first Saturday in January, 1835, in the same way that the trustees of said town have heretofore been elected, who shall hold their office for one year, and until their successors shall have been qualified. The chairman shall be elected and hold his office for one year, and until his successor be duly qualified, all of whom shall be freeholders, and shall have resided in said town one year

Chairman and eight trustees vested with the powers of said corporation.

To be elected for the term of one year and in the manner as heretofore.

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Free male inhabitants over 21 years to vote for chairman & trustees annually.

Chairman and trustees to take an oath.

Clerk to certify to the Governor the votes given for chairman.

The Governor to commission the chairman. The Senate to confirm.

The chairman, trustees and all officers to keep their offices in town.

Absence of the chairman or any trustee for three months vacates their office—and another elected. The clerk of the Scott county court to certify to the Governor who is clerk of the board and affix the seal of the county. Chairman to administer oath. Chairman, &c. may do business

next preceding their election. No justice of the peace or constable, shall be eligible to the office of chairman of said board of trustees.

SEC. 3. *Be it further enacted*, That on the first Saturday in January in each succeeding year, the free white male inhabitants in said town over twenty-one years of age, who have resided therein six months next preceding the time of the election, may vote for a chairman and eight trustees, naming who they vote for as chairman and who as trustees. The chairman and trustees shall, before entering upon the discharge of the duties of their office, be qualified before some justice of the peace, to support the constitution of the United States and the State of Kentucky, and discharge their duties as chairman and trustees (to which office they may have been severally elected) to the best of their ability, during the time they continue in office.

SEC. 4. *Be it further enacted*, That the clerk of the board of trustees shall certify to the Governor of Kentucky the number of votes given to the two persons having the highest number of votes given them for the office of chairman, one of whom the Governor shall commission as chairman of the board of trustees for the town of Georgetown, to be submitted by him for the advice and consent of the senate, as in other cases. In case of the death, removal, or resignation of the chairman, another may be elected and commissioned in his stead, to fill the balance of his term. The chairman, trustees, and all officers thereof to be appointed by them, shall reside and keep their office within the limits of said town during their continuance in office. Three months' absence from said town by the chairman or trustee, shall vacate their office by a resolution to that effect by the whole number of the remaining trustees; and another, in such case, may be elected in their stead. The clerk of the county court of Scott shall certify, on the certificate issued by the clerk showing the number of votes for chairman of the board of trustees, to be presented to the Governor, that such person is clerk of said board of trustees, to which he shall affix the seal of the county without fee. After the chairman of the board of trustees shall be qualified before a justice of the peace, he shall be authorised to administer an oath to each and every trustee, and all officers of said board. The chairman, with a majority of the trustees elected, shall be capa-

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ble of doing business in session. The chairman shall preside and give the casting vote when there shall be a tie. He shall call the board to order, and convene the board when he may think proper. The board of trustees shall have power to enforce the by-laws and inflict penalties, not exceeding two dollars, on any member for non-attendance at one meeting, to be applied for stationary for the use of said board. The chairman and board of trustees shall annually appoint a clerk, assessor, treasurer, marshal, market-master, surveyor, and other officers, as may be necessary to carry into effect the by-laws, rules and regulations made for the general welfare of the citizens of the town. The trustees shall have power in every year, sixty days previous to the annual election in such year, to lay the town off into two or more wards, to be as nearly equal in population and improvement as practicable, out of which may be elected an equal proportion of trustees, and one chairman, by the persons entitled to vote; the place in each ward to be advertised, where the voters residing therein may elect the number of trustees to which said ward may be entitled, and each to reside therein. Each qualified voter shall vote for the number of trustees so appointed to the ward in which he resides, and one chairman for the town, in presence of a clerk and trustee appointed by the board, as judge and clerk of such ward. The judges and clerks of the several wards shall hold the elections in the different wards at the same time, and close at the same hour; they shall give such trustees as are elected in each ward a certificate of their election. The judges and clerks of the different wards shall meet and certify to the clerk and chairman the number of votes given for chairman, and compare the votes given in each ward for chairman. The clerk of the board of trustees, shall, in presence of the judges from the different wards, add up the polls and certify the same to the Governor, as directed in the foregoing section of this act. When the chairman shall be commissioned by the Governor, he shall have the power and authority, within the limits of the town of Georgetown, as justices of the peace in their district, so far as it relates to the ordinances and by-laws of Georgetown. His process shall be issued in the name of the commonwealth, as other warrants, and made returnable to him as chairman of the board of trustees for the town of Georgetown, directed to any constable of said

Board may inflict penalties for failing to attend the meetings thereof.

Chairman and board to appoint clerk, assessor, treasurer, marshal & other officers.

Trustees may lay the town off into wards.

Elections to be held in the wards by a clerk and trustee as judges. Elections to be held at the same time and certificates given.

Clerks & judges to certify the votes given, and the clerk of the board to certify the same to the Governor.

Chairman when commissioned, to have the power of a justice of the peace.

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Chairman to countersign all orders of the board.

Chairman to require bail and return recognizances to circuit court—
Shall have jurisdiction of breaches of the peace, &c.

The board to have power to fine disturbers of the peace & quiet of the town.

Fines to be assessed by jury.

Fees of the chairman.

Jurisdiction of the chairman.

county; if to be executed without the limits of said town, to be returned by the marshal or constable, under the same penalties as other process from justices of the peace. The chairman and all other officers shall be vigilant and active in causing the laws and ordinances to be duly executed and put in force. The chairman shall countersign all orders of the board signed by the clerk. He shall report all improper conduct of the officers appointed by said board to such board in session, and such board shall have power and authority to remove them by resolution of the board, to be recorded by the clerk. The chairman shall have jurisdiction within the limits of said town, to hear and determine all offences; require bail and return recognizances to the circuit court of Scott county, as justices of the peace have in such cases. He shall have jurisdiction over assaults and battery, riots, breaches of the peace, and unlawful assemblies; with like jurisdiction of all indecent behaviour, contrary to the laws and ordinances of the board. The chairman and board of trustees shall have power and authority to impose fines upon all persons who shall be guilty of indecent or boisterous conduct, as disturbs the peace and dignity of said town. They shall have power and authority to impose fines upon persons who shall be guilty of running horses, profane swearing, blowing horns, crying aloud by day or night, and all riotous conduct within said town; the fines for such offences to be ascertained by a jury, as cases of breaches of the peace, in any sum not exceeding twenty dollars for every offence.

Sec. 5. *Be it further enacted*, That the chairman shall be entitled to the fee of one dollar for a peace-warrant, or for a warrant for a riot, rout, or breach of the peace, or unlawful assemblies; a warrant for a breach of any ordinance or by-law of the said board of trustees, fifty cents; for all other kind of warrants, when the trustees are a party, twenty-five cents. He shall be entitled to twelve and a half cents for a judgment, twelve and a half cents for recording judgment, twelve and a half cents for an order of sale, twelve and a half cents for a subpoena, twelve and a half cents for a certificate: in all other cases his fees shall be the same as those of a justice of the peace for such services. The chairman shall have jurisdiction of all sums at or under fifty dollars. Where the trustees are a party, he shall have power to issue warrants, render judgment, and issue execution and order of sale

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for real and personal estate for taxes, to be executed by the marshal. Non-residents' property, real and personal, may be sold for taxes, subject to redemption in five years with ten per cent. interest per annum on the debt, with costs thereon. The clerk shall report to the board the ground belonging to non-residents, who may, by resolution, order a sale, which resolution shall be signed by the clerk and chairman, a copy of which, shall, by the marshal, be duly advertised, for thirty days, in three of the most public places in said town, or in a newspaper published in said town. After the expiration of the time advertised, on the return of the marshal, the chairman shall issue an order of sale, to be executed by the marshal, who is hereby authorised to deed to the purchaser the ground sold by him for debts and costs, subject to redemption.

Clerk to report to the board the ground of non-residents, and be advertised by the Marshal

Chairman to issue an order of sale.
Marshal to make deeds.

Sec. 6. *Be it further enacted*, That the chairman of the board of trustees shall require bond with sufficient security in adequate penalties, payable to the chairman and board of trustees, from the clerk, assessor, treasurer, marshal, market-master, and all other officers appointed by them to fill responsible offices. A lien shall be taken on the lands and slaves belonging to such officers and their sureties, from the time of the execution of said bonds, for all sums of money that shall come into their hands. They shall be liable to judgment from the Scott circuit court in favor of the chairman and board of trustees, or any person entitled to money collected by them, in like manner as sheriffs are liable. In all suits against the chairman and board of trustees, a notice served upon the chairman shall be sufficient to authorise the court or justice to decide such case. The clerk and all officers appointed by the chairman and board of trustees, shall have been citizens of said town at least six months next preceding their appointment to office.

Chairman to require bond of the clerk, assessor, treasurer, Marshal and other officers.
Lien on the property of said officers and security for the discharge of their duties.
Liable to judgment in the Scott circuit court.

Service of process on the chairman sufficient.

Sec. 7. *Be it further enacted*, That after the clerk shall have been duly qualified, and given bond and security, it shall be his duty to preserve the books, papers, records, and every thing belonging to the office, and the same to be delivered to his successor in office. He shall keep a regular journal of the proceedings of the board, with a regular account of all the fiscal concerns thereof; he shall file and preserve the poll book annually; he shall record all the acts, resolutions, and orders of the board; he shall take all bonds, agreements, records, and preserve all contracts between the

Clerk to preserve the books, records and papers.

Duties of the clerk of the board.

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chairman and board of trustees and all other persons; he shall copy and sign all resolutions, orders, claims, and allowances, when required to do so by persons having claims against the board; he shall file and preserve annually the assessor's book; he shall make out a fair list of the persons liable to pay tax, with the amount of their property, and tax enlisted in alphabetical order, and place the same in the hands of the treasurer on or before the twentieth of May, annually; he shall file and preserve the report of the treasurer, of those persons who may have paid their tax on or before the twentieth of July, annually; he shall make out and place in the possession of the marshal a list of the persons, with the property and tax remaining unpaid on or before the ninth of August, annually.

Chairman and board to appoint an assessor—and his duties.

Persons absent or refusing to list, the assessor shall make out the same. Duties of the assessor in making out list.

Time in which assessor to return list. Persons aggrieved may appear before the board for redress.

Chairman and board to take bond from treasurer.

Sec. 8. *Be it further enacted*, That the chairman and board of trustees shall appoint annually, from amongst the citizens of said town, an assessor, who shall be qualified and give bond with approved security, conditioned as required by the board of trustees, who shall call upon all the taxable persons in said town, and make out a true list of their taxable property, with the value thereof; which list shall be made upon the oath of the party, to be administered by the assessor. If any person or persons shall refuse to give a list of his or her property, or be absent, the assessor shall make out a list from the best information he can obtain; the assessor's list shall be taken so as to include all free white males over twenty-one years of age, all slaves, with their value, all tavern keepers, grocers, victuallers, retailers of spirits, confectioners, with all other species of property made taxable by the chairman and board of trustees under this act. The assessor shall, on or before the first of April annually, complete and return the list so taken to the board of trustees, who shall give notice that any of the inhabitants who may feel themselves aggrieved by the valuation of the assessor, may appear before them at a stated meeting to be held for such purpose, on or before the first day of May in each year, with their evidence, to show the true valuation of such property. The trustees on proof being made to them, may change such valuation. The clerk shall record said list in a book to be kept for such purpose.

Sec. 9. *Be it further enacted*, That the chairman and board of trustees shall qualify and take bond and sufficient security from the treasurer in any sum not less

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than two thousand dollars, conditioned to perform his duties, recoverable in the Scott circuit court, according to law. The treasurer shall receive and give receipts for all moneys paid or received. He shall receive and receipt for all moneys paid to him by the marshal and all officers of the board of trustees. He shall receive and receipt for all moneys paid to the board of trustees. He shall keep a fair record of all the fiscal concerns of the board, and record in order the appropriations of said board as certified to him by the clerk, and pay the same according to their order. He shall pay no money without receiving a copy of a resolution of the board of trustees, signed by the clerk, making such appropriation. He shall file all resolutions received by him for settlement by resolution of the board. His books shall at all times be open to the inspection of persons having claims against the board with reasonable notice. The clerk shall, on or before the twentieth of May annually, take into possession a fair list of taxable persons and property, with the amount payable from each person. The clerk shall advertise that a discount of eight per cent. will be allowed to such person who shall pay their tax to said treasurer on or before the tenth day of July ensuing thereto; the treasurer shall be, and is hereby authorised to receive and receipt to all persons who may pay their tax within said time. The treasurer shall, on or before the twentieth of July annually, report to the clerk a true list of the tax received by him, with a list of those persons whose tax remains unpaid at that time. The treasurer shall be allowed two and a half per cent at least for all moneys received and paid out by him according to the provisions of this act. When required by the chairman or board of trustees, he shall attend and report to the board, and at all times be ready for settlement. The treasurer and all other officers shall be liable to be removed by resolution of the board of trustees, all concurring therein. The clerk shall, on or before the first day of August annually, place in the possession of the marshal a list of the taxable persons and property remaining unpaid at such time for collection, according to the order of the board.

The duties of the treasurer.

Further duties of the clerk.

Further duties of the treasurer.

Treasurer and other officers may be removed from office. Clerk to give to the Marshal list of tax.

Sec. 10. *Be it further enacted*, That the chairman and board of trustees shall annually appoint a marshal, who shall be duly qualified and give bond and security in a sum not less than two thousand dollars,

The duties of the marshal.

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to be received as the bond of the treasurer of the board of trustees. He shall have all the power and authority within the town of Georgetown, to collect the town tax, as sheriffs have in collecting the county levy and state revenue; and in serving notices, warrants, executions, and selling property. He and his securities shall be liable to the judgment of the Scott circuit court for failing to collect or pay over any sums of money put into his hands for collection, with ten per cent interest thereon. A lien shall be taken upon the real estate and slaves of the marshal and his sureties, for all sums placed in his hands for collection; he shall serve all kinds of process and notices issuing from the board of trustees, as from the chairman, within the town of Georgetown. He shall remove, or cause to be removed all nuisances, at the expense of those who shall cause or leave such nuisance within the limits of said town, according to the rules and regulations of the board of trustees. He may have a deputy by and with the consent of the chairman and board. He shall be responsible to the trustees for all the acts of such deputy. He shall, by himself or deputy, execute all the process issued by the chairman of the board, and return the same according to his direction. He shall be entitled to the same fees and per cent. for collecting the town tax, penalties, and forfeitures, as sheriffs and constables are in like cases, when it is not otherwise provided for by this act, or by order of the board. He shall be entitled to a fee of one dollar for serving a peace-warrant; for serving a warrant for a rout, riot, or breach of the peace, one dollar; for all warrants where fines are to be assessed by a jury before the chairman, one dollar; for all penalties, and forfeitures, and debts, to be tried by the chairman, twenty-five cents; summoning a witness, twelve and a half cents. He shall be entitled to the same fees from the state, to be paid out of the treasury and county levy, for serving felony warrants, and warrants against slaves for misdemeanors, as constables are for like services. The marshal shall be authorised to take replevin bond with security, payable to the board of trustees, for all penalties placed in his possession for collection. Such bonds shall run for three months, as in case of debts, returnable to the chairman, on which, when due, the chairman shall issue execution.

Further duties
of the marshal.

Fees of mar-
shal.

SEC. 11. *Be it further enacted*, That the chairman and board of trustees shall have the control and care

of the market house. They shall, annually, at their first meeting, appoint a market-master, who shall be duly qualified, and give bond and security, to be approved by the chairman and board of trustees, faithfully to perform the duties assigned him by the board. He shall rent the stalls, license persons to sell meats and all other articles, under the direction of the said board of trustees. The bonds, notes, and accounts taken, shall be payable to the chairman and board of trustees. The bonds, notes, and accounts, if not punctually paid, shall be collected by the marshal before and by judgment of the chairmn, as other debts before a justice of the peace. The chairman and board of trustees shall have full power and authority to pass by-laws, rules and regulations for the governing the market, not contrary to the constitution of the United States, or of the constitution of Kentucky. They may inflict fines and penalties to enforce the same, in any sum not exceeding ten dollars for any offence, recoverable before the chairman, or any justice of the peace for said county.

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Chairman and board to appoint a market master—and his duties.

Chairman and trustees to pass by-laws for government of market.

SEC. 12. *Be it further enacted,* That the chairman and board of trustees shall be authorised annually to make a reasonable appropriation for the payment of the officers of the board of trustees. They shall have power and authority to receive real and personal estate as donations for the purpose of building school-houses for males or females, within the limits of said town. They shall have power and authority to make rules and regulations for the good government of the schools, by appointing officers and trustees, who may employ teachers and superintendants to manage such schools for the general welfare of the citizens of said town. They shall have power and authority to purchase a burying ground within Scott county, not more than five acres, and to be within two miles of the limits of Georgetown, to be deeded to the trustees of the town of Georgetown. They shall have power to appoint proper persons to take charge of and protect such ground, under their control and direction. They shall have power and authority to establish a fire company in said town; to appoint and confirm the officers elected by said company; and to confirm all their by-laws, rules and regulations for the government thereof. They shall have power to buy fire engines, build engine houses, and appoint proper persons to preserve and take care of the same. They shall have

Board may make reasonable compensation for services

Powers and duties of the trustees.

Further duties and powers of trustees.

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power and authority to impose fines and penalties for the enforcement of the by-laws of the said fire company, in a sum not exceeding ten dollars for any one offence, to be recovered before the chairman of the board of trustees, or a justice of the peace in said county. They shall have power and authority to establish a watch-house and work-house, and appoint watchmen and other officers to superintend such houses, and apprehend offenders and take them before the chairman, to be dealt with according to the by-laws of said town.

SEC. 13. *Be it further enacted,* That the chairman and board of trustees shall have power and authority to assess, levy, and collect a tax on all real and personal estate within the limits of said town, not to exceed double the amount paid as revenue to the state, upon the hundred dollars worth of property. They shall have power to levy and collect a poll tax, not exceeding one dollar and fifty cents, on all free male persons in said town over the age of twenty-one years. They shall have the right to tax stores, taverns, grocers, and retailers of spirituous liquors, not to exceed double the amount they pay as revenue to the state. They shall have the right to tax victuallers, confectioners, and retailers of wares and merchandise. They shall have the power to tax all kinds of domestic animals within said town. They may tax all theatrical performers, showers, and exhibitions of all kinds, in any sum not exceeding ten dollars for such exhibition. They shall have the power to pass by-laws and ordinances for the enforcement of the powers granted by this act, by enforcing adequate penalties to enforce the same. The clerk may issue license for taverns, groceries, and retailers of spirituous liquors, and for theatrical performances, shows, and all kinds of exhibitions, upon the application for the same, showing at the same time a receipt signed by the treasurer or marshal, for the sum levied by the chairman and board of trustees, showing that such sum had been paid. They shall have power and authority to tax all auctioneers in a sum not exceeding six per cent. for all goods, wares and merchandise sold to bidders within said town, except property sold by citizens of their own manufactory, sold by order of court, or by executors, administrators, or guardians. They shall have power to license drays, wagons, carts, hacks and coaches, plying in said town for hire. They shall have a lien on all real and personal estate within said town

Further duties
and powers of
trustees.

Further powers
and duties of
the trustees.

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until the taxes are paid. All such property shall be liable to be sold, or so much thereof as will pay such tax according to this act, and the order of the board. The chairman and board of trustees may lay and levy the taxes for the current year at the first meeting after the assessor shall return his list of the estimates laid before them by the chairman for the well government of the town. They shall have power and authority to establish free schools in said town, and to receive donations for such purposes, and govern the same under such rules and regulations as they may establish. They shall have power and authority to impose fines and penalties on persons for profane swearing, drunkenness, and all improper and indecent conduct, in any sum not exceeding ten dollars for every such offence. They shall have power and authority to clear the streets, alleys, and passways from all obstructions, and remove nuisances, by imposing fines and penalties for such offences within said town. They shall have power and authority to open and clear a free passage to all the springs and wells upon the public ground, streets, or alleys. They shall have power to declare all springs or wells in said town free by a jury before the chairman, if in their opinion the welfare of the citizens of said town require it. They shall have power and authority to preserve and protect free from incumbrance all the public ground and improvements belonging to the public in said town. They shall have power and authority to dig wells and build cisterns for the use of the town. They shall have power and authority to receive conveyances from owners of ground within said town for the purpose of extending the streets and alleys therein. When the chairman and trustees shall deem it proper to extend a street, or have a street or alley opened, they may petition the Scott county court, stating the street or alley they wish opened: said court shall appoint reviewers, receive their report, and issue a writ of *ad quod damnum*, as in case of county roads, to be executed by the sheriff; and said court may order such streets and alleys to be opened by the trustees, paying such damages as the court shall award. The chairman and board of trustees shall have power and authority to cause the streets and alleys, with the sidewalks in said town, to be paved or turnpiked at the costs and expense of the owners of the ground fronting such street, alley, or sidewalk. When a majority

Further powers
and duties of
the trustees.

Power to dig
wells and cisterns.

To receive conveyances of
ground, to extend streets and
alleys.

Circuit court to
appoint reviewers.

Trustees to
cause the streets
and side walks
to be paved or
turnpiked.

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Trustees to cause streets to be paved on petition of owners of ground adjoining.

Shall cause the owner or owners of alleys, stables, &c. to be cleaned.

Trustees to hold a lien on ground

Shall have power to establish a work house.

Shall have power to establish a house for keeping rioters, &c.

Governor and chairman may shorten the time.

of the owners of the ground residing upon such street, alley, or sidewalk, shall petition to the chairman and board of trustees to pave, grade, or turnpike such street or alley, or when the owners of the most of the ground fronting upon such street or alley, shall in like manner petition, the chairman and board of trustees shall, by resolution, order such work to be done in the way and manner they may direct. They shall cause the paving of any street or alley to be finished when the owner or owners of lots on such streets or alleys shall have finished the one equal half of the street adjoining their grounds and opposite thereto. They shall have power and authority to cause the owners of private alleys, stables, lots, and pens, to have them cleaned when they shall become filthy and considered as a nuisance by the chairman and board of trustees, by imposing fines and penalties, not exceeding ten dollars for each offence. The trustees shall hold a lien upon such ground as fronts the pavements ordered to be made by them, for the payment of such improvements. They shall have power to order the collection of the same by the sale of such ground, or so much thereof as will satisfy the claim with costs, subject to be redeemed in five years with interest at ten per cent. annually, to the purchaser or his assigns, from the original owner or his assigns, who did not petition for such improvements: *Provided*, That infants shall have one year after they arrive at twenty-one years of age, on the like terms, to redeem their grounds. They shall have power and authority to establish a work-house in which the indigent poor may be comfortably provided for. They shall have power and authority to establish a house to confine common mendicants, vagrants, and all persons who may be confined by the justices of the peace or chairman of the board of trustees, or by a jury, within said town, for breaches of the peace, riots, routs, and unlawful assemblies, or any other offences against the by-laws and ordinances of the said chairman and board of trustees, to be employed in labor as they may be directed under the care and management of a person or persons appointed by said board. Persons committed shall be sent there by warrant, stating the time for which they were condemned, to be discharged by the chairman or Governor of this commonwealth, if in either of their opinions the time of their confinement should be shortened. They shall have power and authority to appoint

officers to superintend the same, in a way not contrary to the constitution of the United States or of the state of Kentucky.

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SEC. 14. *Be it further enacted,* That the circuit court of Scott county shall have power to try all vagrants within said town, who, if convicted, shall be sentenced to labor in said house for a period not more than six months, nor less than one month, to be ascertained by a jury. All persons convicted for any of the aforementioned offences against the by-laws and ordinances of said town, and failing or refusing to pay or replevy the fines inflicted, may be confined in the work-house of said town at labor until such fines are discharged, as may be assessed by a jury, not to be over two dollars per day, instead of being confined in jail. It shall be the special duty of the chairman and each trustee, and every officer of the board, to notify the marshal of all slaves found in said town hiring their own time, with the consent of their master or owner. It shall be the duty of the marshal, with a warrant, to bring such person or persons before the chairman, who shall, upon proof before him that such slave was hiring their own time, he shall sentence such slave to three months' confinement in the jail or work-house, with costs to be paid by the owner of such slaves, to be relieved by the owners paying the trustees a full equivalent for the time for which said slave was condemned. They shall have power to impose fines for disturbing religious worship, breaches of the peace, riots, routs, unlawful assemblies, and all offences against the by-laws and ordinances of the chairman and board of trustees, to be appropriated by the chairman and said board for the use of the town.

Circuit court shall try all vagrants in said town.

Persons refusing to pay fines to be confined to work house.

Marshal to be notified of all slaves hiring their own time.

Slaves who hire their own time to be confined in the work house.

Trustees to impose fines on all who disturb religious worship, &c.

SEC. 15. *Be it further enacted,* That no free person of color shall be permitted to keep a tavern, grocery, victualing or public house, in said town, without license from the chairman, according to a resolution of the board of trustees. Such license, if granted, shall be rescinded by resolution of said board, upon proof being made of a misdemeanor or any disorder by such persons of color. The board of trustees shall have power to control and confine free people of color within the jail or work-house, whether male or female, for breaches of the by-laws and ordinances of said board, when they fail or refuse to pay the fines and penalties, in such case for a term of not more than six months for each offence. They shall have power and author-

No free person of color shall keep tavern or grocery without a license.

Trustees to pass by-laws concerning free persons of color.

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Shall have power to fine persons for giving to slaves or free persons of color spirituous liquors.

ity to impose fines not exceeding ten dollars, on any person who shall be guilty of selling or giving to a slave or free person of color within said town, spirituous liquors, without a written permitt or leave from the owner. The clerk of said board of trustees shall annually report and publish an account of all moneys received by the said board, with an account of all appropriations. He shall, on or before the 25th day of September annually, place such list in the market-house for three market days, or publish such report in a paper, if one should be printed in said town.

Repealing clause.

Sec. 16. *Be it further enacted*, That all acts and parts of acts concerning the town of Georgetown, and being within the purview of this act, be, and the same is hereby repealed; and this act shall be in force from and after the chairman and board of trustees shall be elected.

[Approved February 22, 1834.]

CHAP. 443.—AN ACT to improve the navigation of Big Sandy River.

Commissioners appointed to perform the objects of this act.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That William M. Smith, Samuel May, and Edwin Trimble, of Floyd county, and George Crayson, of Lawrence county; any three of whom, or their successors in office, shall have power to perform the requisitions of this act hereinafter to be provided, shall be, and they are hereby appointed a board of commissioners; each of whom shall, before he enters upon the discharge of the duties of this act, in the court of the aforesaid county of Floyd, enter into bond with good and sufficient security, each in the penalty of two thousand dollars, payable to the commonwealth of Kentucky, conditioned for the faithful performance of the conditions of this act.

To enter into bond with security.

Subscriptions in money or labor to be applied to the objects of this act.

Sec. 2. *Be it further enacted*, That it shall be the duty of said commissioners to open a subscription or subscriptions for the contribution of money or labor, to be laid out and expended on the improvement of the navigation of the Big Sandy river: that it shall be their duty, on the reception of subscriptions for labor, to estimate the same at seventy-five cents per day for each able-bodied laboring hand; and before they proceed to the duties hereinafter prescribed, they shall proceed to collect such sum or sums as shall have been subscribed; and upon the fail-

ure, either of the payment of the money so by any person or persons subscribed, or the performance of the labor to be done, when called for by said commissioners, or such other person or persons as they shall appoint to superintend said improvements—that suit shall be brought by action of debt in the name of said commissioners, against such delinquent or delinquents, for the amount of money by him or them subscribed, or labor by him or them to be done, in any court, or before any justice of the peace having jurisdiction thereof; and all money collected by any such suit or suits, shall be applied by said commissioners to the improvement of said river, according to the intent and meaning of this act.

Sec. 3. *Be it further enacted*, That so soon as the sum of one thousand dollars in work and labor shall be subscribed and paid, or secured to be paid to said commissioners, that they shall certify the same to his Excellency, the Governor of this Commonwealth, who shall thereupon direct the auditor of public accounts to issue his warrant upon the treasurer in favor of said commissioners, for the sum of six thousand dollars, payable as follows: first, all the debts due the Bank of the Commonwealth of Kentucky in the counties of Pike, Lawrence, and Floyd, to be first applied towards the payment of said six thousand dollars, in the manner hereinafter provided. The said amount, when so applied, to be certified to the Governor by the President of said bank; and also the said Governor shall direct the register of the land office to issue land warrants to the amount of one thousand dollars, in the name of said commissioners, in such size warrants as said commissioners may direct, not under fifty acres each; which warrants shall be located in the counties of Floyd, Pike, and Lawrence, and in no other county; which sum of money and land warrants so appropriated, and money and labor so subscribed, shall be laid out and expended by said commissioners in the improvement of the navigation of said river from the mouth thereof to the shoal opposite Pikeville, in Pike county, by causing to be cleared from it all logs, snags, trees and rocks that may obstruct the navigation thereof

Sec. 4. *Be it further enacted*, That said commissioners shall have power to appoint a superintendant or superintendants for the purpose of giving direction to said work, who shall execute bond to said commissioners, with such conditions and stipulations as may be

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And to collect the same by suit or otherwise.

An appropriation in money made by the state in aid of the subscription

Out of what fund to be paid.

\$1000 in land warrants also appropriated.

Where to be located.

To be laid out in improving the navigation of the river.

The commissioners may appoint a superintendant.

To give bond to the com'rs, &c.

1834.

Subject to removal.

To take an oath of office.

Vacancies in the board of commissioners, how filled.

Two years allowed to complete the contemplated improvements.

Com'rs to take an oath of office

Com'rs may be removed from office.

Their pay, and that of the superintendent.

How to be governed in making their contracts.

The com'rs to furnish tools &c.

agreed upon for the indemnity of said commissioners; and who shall be subject to be removed at any time by a majority of said board: and it shall be the duty of said superintendant or superintendents, when said work is prosecuting, to be present to give directions to the said work; and such superintendant or superintendents, before entering upon the discharge of the duties of his or their appointment, shall, in the court of the said county of Floyd, or before some justice of the peace, take an oath or affirmation, that he or they will well and truly, to the best of his or their judgment, perform all the duties enjoined by the provisions of this act.

Sec. 5. *Be it further enacted*, That in case of the death, resignation, removal, or refusal of any of the aforesaid commissioners to act, the county court of said county of Floyd shall fill such vacancy or vacancies by appointing some fit person or persons, taking bond and qualifying them as is provided by this act.

Sec. 6. *Be it further enacted*, That said commissioners shall cause the obstructions in said river to be removed according to the provisions of this act, within two years from the time they shall execute bond; which time shall be stated in said bond, and made one of the conditions thereof: and moreover, at the time of executing said bond, they shall take an oath well and truly, to the best of their skill and judgment, to execute and perform all the duties enjoined on them by the provisions of this act.

Sec. 7. *Be it further enacted*, That any of said commissioners, for good cause shown, shall be removed by the county court of said county of Floyd, a majority of all the justices of said court being present, and that said commissioners shall receive for their services and expenses (while actually employed) one dollar per day: and that the superintendant or superintendents who shall be appointed by said commissioners, shall receive for their services a sum to be fixed by said commissioners not exceeding two dollars per day.

Sec. 8. *Be it further enacted*, That it shall be the duty of the commissioners, or superintendant or superintendents, in making contracts in relation to the making of said improvements, to apply the money and land warrants in equal proportions as near as may be, and the land warrants in no instance shall be disposed of at a less rate than the state price.

Sec. 9. *Be it further enacted*, That said commissioners shall cause to be furnished all necessary tools

and implements for the execution of said improvements: and for the purpose of enabling the superintendent or superintendants to progress with said improvements, the said commissioners shall furnish the superintendent or superintendants with such amount of money and land warrants as they shall stipulate and agree upon.

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SEC. 10. *Be it further enacted,* That no person while acting as commissioner as herein provided, shall, either directly or indirectly, become an undertaker or contractor for said improvement, or any part thereof.

No com'r to be concerned in any contract.

And whereas, there is yet due and owing from sundry citizens of Floyd, Lawrence, and Pike counties, to the Bank of the Commonwealth of Kentucky, a balance of the original debts created in said institution, soon after it was first organized:

Recital.

SEC. 11. *Be it therefore further enacted,* That such debts as are solvent, not exceeding altogether the sum of six thousand dollars, be appropriated in aid of the improvement aforesaid; and so soon as the amount shall be subscribed by individuals, as provided by the second section of this act, the said commissioners shall certify the same to the President of said bank, who shall order and direct the aforesaid amount of the notes or bonds, or other security, to be transferred to said commissioners, which shall be accordingly done; and the said bonds or notes, or other security, shall be applied to the improvement of said river, by said commissioners, agreeably to the intent and meaning of this act.

The debts due the Bank of the Commonwealth in Floyd, Lawrence and Pike are appropriated to this object.

To be transferred to the commissioners as soon as \$1000 are subscribed.

SEC. 12. *Be it further enacted,* That it shall be the duty of the attorney for the commonwealth for the Floyd circuit court, in case said commissioners or superintendent or superintendants shall fail in performing any of the duties enjoined on them by this act, to prosecute suit upon any bond or bonds by them or any of them given, and to see that this act be fully executed: and as a compensation for his services, he shall receive for each suit he may have to prosecute the sum of five dollars, to be taxed in the bill of costs against the defendant, and paid over to him by the officer collecting the same; and in addition to the amount so adjudged to be due and unpaid by any superintendent, commissioner, or agent, the court shall give judgment for thirty per cent. damages.

The attorney for the Comth in that district to sue the commissioners or superintendent for failure in their duty, &c.

Compensation allowed him.

Damages to be awarded against the defendants in such suits.

SEC. 13. *Be it further enacted,* That it shall be the duty of said commissioners to make a full report to the Governor before the first day of December, in the

Com^{rs} to report their proceedings to the Governor.

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To be laid before the Legislature.

years 1834 and 5, of the manner in which the money and land warrants hereby granted, have been laid out and expended, showing the extent and nature of the improvements made, and such other facts as may be necessary to present the matter fully to the Legislature.

And to make a special report to the Legislature.

SEC. 14. *Be it further enacted*, That it shall be the duty of the commissioners aforesaid to report annually to the Legislature the progress of the work, the amount of expended, and the amount remaining in their hands unexpended, and all other matters and things relative to said improvement, that will be calculated to give satisfaction to the Legislature how the appropriation aforesaid has been applied: and the register of the land-office is hereby directed to issue patents on surveys made on the aforesaid warrants, without fee.

Register's duty.

[Approved February 22, 1834.]

CHAP. 444.—AN ACT authorising the building of an Arsenal for the security and preservation of the public Arms.

Com'rs appointed to superintend the erection of an arsenal on the public square in Frankfort.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an arsenal shall be built on the north-east corner of the public square in the town of Frankfort, of sufficient size to contain all the public arms, belonging to the state of Kentucky; and that James Davidson, Thomas S. Page, and Edmund H. Taylor, be appointed commissioners to contract for and superintend the erection of said building; who shall, before entering on the duties of their commission, give bond in the penalty of five thousand dollars, for the faithful discharge of the duties assigned them; which bond shall be prepared by the Secretary of State, and when executed, be placed on file in his office.

To give bond and security—conditioned &c.

The materials of the gun-house to be used in the building of the arsenal.

SEC. 2. *Be it further enacted*, That said commissioners be authorised and instructed to cause the gun-house situated on the public square to be pulled down, and apply the materials, as far as can be, to the erection of the arsenal.

Money appropriated for that object.

SEC. 3. *Be it further enacted*, That the auditor of public accounts be, and he is hereby authorised and directed, on the application of said commissioners, to issue his warrant on the treasury for any sum not exceeding two thousand dollars, which shall be paid out

of any money in the treasury not otherwise appropriated.

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Sec. 4. *Be it further enacted*, That the commissioners aforesaid shall be limited to the sum hereby appropriated for the erection and completion of said building; and that they shall be entitled to such compensation for their services as the Legislature may adjudge reasonable and just when said building shall be completed.

Com'rs limited to the appropriation made, &c.

[Approved February 22, 1834.]

CHAP. 445.—AN ACT to allow one additional Justice of the Peace to Bullitt County.

Whereas, it is represented to the General Assembly of Kentucky, that one additional justice of the peace is necessary in and for the county of Bullitt, in the Knob creek settlement: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be, and there is hereby allowed to the county of Bullitt one additional justice of the peace.

(Approved February 22, 1834.)

CHAP. 446.—AN ACT to incorporate the Shepherdsville and Elizabethtown Turnpike Road Company.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be, and the same is hereby established and incorporated with a capital of eighty thousand dollars, to be divided into eight hundred shares of one hundred dollars each, to construct a turnpike road on the McAdams' plan, from Shepherdsville in Bullitt county, to Elizabethtown in Hardin county, under the name and style of the Shepherdsville and Elizabethtown Turnpike Company, and as such shall be a body politic and corporate forever; and by that name and style shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places, and in all matters whatever, the same as natural persons; with full power and authority to acquire,

The company incorporated to construct the road. Amount of capital stock.

Style of the company.

General corporate powers conferred—to sue and be sued &c.

1834.

To purchase,
hold and sell
property, real
and personal.

Have a seal—
enact by-laws,
&c.

The width of
the road and
mode of con-
structing it.

The elevation
thereof.
Bridges to be
erected across
Salt river, the
Rolling fork &
Long Lick
creek.

The powers &
privileges gran-
ted by this act.

Com'rs appoin-
ted to open
books for receiv-
ing subscrip-
tions for the
capital stock.

hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of, all such real and personal estate as may be necessary and convenient, for the site or route of said road, and for piers and abutments for all and every bridge that may be necessary on said road, and lots for toll houses and the residence of gate keepers, the necessary stone quarries for the construction and repair of said road, and such teams and implements as may be necessary and proper for the construction of said road; may have and use a common seal, and alter, change and renew the same at pleasure; and may make, ordain and establish, and put in execution such by-laws and ordinances as may be necessary and proper for the construction and formation of said road, and the management and direction of the prudential concerns of said company, not contrary to the constitution and laws of this, or the United States.

SEC. 2. *Be it further enacted*, That the width of said road shall not be less than forty feet, where the situation of the ground will permit it, nor more than fifty feet, and the artificial McAdamized part thereof, shall be not less than twelve feet, and made on one side, and said road shall be graded to at least three degrees in descending and ascending the elevations on the route of said road; that bridges shall be erected on said road across Salt river, Long lick creek and the Rolling fork, if found to be necessary, and at such other places as may be necessary; the bridges across Salt river and the Rolling fork, shall be built on abutments on the shores of said streams, without any piers in the channel, and shall be sufficiently high to permit the passage of flat boats in the highest stages of the water.

SEC. 3. *Be it further enacted*, That the President and managers of the Shepherdsville and Elizabethtown turnpike company, shall be vested with all the power and authority, immunities, tolls, privileges and advantages in all and every respect that are now vested by law in the Louisville turnpike road company, subject to the like limitations and restrictions, as if they were herein embodied and repeated.

SEC. 4. *Be it further enacted*, That Abraham Field, Noah C. Summers, John H. Baker, Henry Wise, John Brewer and H. G. Wintersmith, be, and they are appointed commissioners, to open books at such time and such places as they may deem expedient, for the

subscription of stock, in the company hereby created; and whenever four hundred shares shall have been subscribed, the said commissioners may call a meeting of the stockholders, at such time and place as they may deem most convenient; first advertising the time and place in the newspaper printed in Elizabethtown. And the stockholders shall choose a President and six managers, in whom shall be vested all the powers of this corporation, for the construction of said road, and the management and direction of its prudential concerns; each share to the number of twenty, shall entitle the holder to one vote for every share held by him; and every five shares above twenty, shall entitle the holder to one additional vote; and after the first election of a President and managers, there shall be an annual election of a President and managers on the third Monday in April in each year, and the President and managers shall hold their offices until their successors shall be elected; and no person shall be elected a President or manager, who is not a stockholder, and he shall vacate his office on ceasing to be a stockholder; and the President and managers for the time being, shall have power to fill any vacancy, which shall happen in their own body from any cause, between the annual elections; and if from any cause no election shall be held on the third Monday in April in each year, the President and Managers may advertise and cause an election to be held on some other convenient day.

Sec. 5. *Be it further enacted*, That the county courts of Bullitt and Hardin counties, are hereby authorised to subscribe one hundred shares of stock in said company, for and on behalf of their respective counties, and be entitled to the same privileges of voting for President and Managers as the other stockholders of said company.

Sec. 6. *And be it further enacted*, That the President and Managers of this company may sell the residue of stock not originally subscribed, at such time and in such manner as they may deem most advisable: *Provided*, They shall not sell any stock for less than par.

Sec. 7. *And be it further enacted*, That said company shall have two years after its organization to commence the construction of said road, and five years after its commencement to complete the same.

(Approved February 22, 1834.)

Z*

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When 400 shares are subscribed, they may call a general meeting to elect President and directors. The powers of the corporation then vested in the president and directors. Mode of voting shares of stock.

Annual elections for president, managers and officers to be held.

Their qualifications.

Vacancies in the board, how filled. Elections may be held on a day different from the one fixed in this act.

The county c'ts of Bullitt and Hardin authorised to subscribe for stock.

The residue of stock remaining unsubscribed, may be sold.

Time allowed for commencing and completing the road.

1834.

CHAP. 447.—AN ACT to amend an act, entitled an act, to establish a State Road from Berry's ferry on the Ohio river to Salem, and from Madisonville to Salem, approved January 22, 1830.

Duty of the
commissioners
appointed by
recited act for
Livingston c'ty.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the commissioners of the county of Livingston, appointed by the above recited act, shall as soon as convenient, perform the duties required by said act in the first section thereof; and that said commissioners shall meet in the town of Salem on the first Monday in October next, or as soon thereafter as may be convenient, to perform the duties required of them, in the second section of the above act.

An additional
commissioner
appointed.

SEC. 2. *Be it further enacted,* That the name of John S. Harrison be inserted as one of the commissioners to lay off, and mark said first named road.

Duty of the
Hopkins county
commissioners.

SEC. 3. *Be it further enacted,* That the commissioners of the county of Hopkins, appointed by the above act, shall, as soon as may be convenient, perform the duties required by the third section thereof; and that said commissioners shall meet in the town of Madisonville, on the second Monday in October next, or as soon thereafter as may be convenient, to perform the duties required of them, by the fourth section of the above act.

(Approved February 22, 1834.)

CHAP. 448.—AN ACT to establish the Bank of Kentucky.

Bank incorpo-
rated.

Capital stock.

Duration of the
charter.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be, and is hereby established a Bank, by the name of the BANK OF KENTUCKY, with a capital stock of five millions of dollars; divided into shares of one hundred dollars each, to be subscribed and paid for by this Commonwealth, individuals, companies and corporations, in the manner hereinafter specified; which subscribers and shareholders, their successors and assigns, shall be, and they are hereby created a body politic and corporate, by the name and style of the President, Directors and Company of the Bank of Kentucky; and shall so continue a body politic and corporate, until the first day of October, one thousand eight hundred and sixty-four, and by that name, under the re-

restrictions hereinafter prescribed, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts and places, and in matters as natural persons, with full power and authority to acquire, hold, possess, use, occupy and enjoy, and to sell, convey and dispose of, all such real estate, goods, effects and chattels as shall be convenient for the transaction of its business, or which may be conveyed to said Bank as surety for any debt, or which may be received in discharge of any debt, or purchased in satisfaction of any judgment or decree in favor of the Bank, or in the purchase of any property on which said Bank may have a lien; and said Bank may have and use a common seal, and change, alter and renew the same at pleasure; and it may ordain and put in execution such by-laws, rules and regulations, for the good government of said Bank, and the prudent and efficient management of its affairs, as may be thought most proper—provided, they be not contrary to the constitution and laws of this State, or of the United States.

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Corporate powers.

SEC. 2. That said Bank shall have and keep its principal office of Discount and Deposit in the city of Louisville; and it may have not more than six offices of Discount and Deposit in other parts of this State. Its business shall be to loan money, discount promissory notes and bills, and deal in exchange, and it may issue bills or bank notes payable to bearer on demand at any of its offices of Discount and Deposit, but not of less denomination than five dollars; and it shall not issue any notes, bills, checks or orders, payable to bearer, other than such as are made payable on demand. The promissory notes made payable to any person or persons, and payable and negotiable at the Bank of Kentucky or any of its branches, and endorsed to and discounted at said Bank, shall be, and they are hereby put on the same footing as foreign bills of exchange; and remedy may be had jointly or severally against the drawers and endorsers, and with like effect, except as to damages, and except that in a regular course of administration, they shall have no other or greater dignity or priority of payment than other notes; and the Bank shall not, directly nor indirectly deal or trade in any thing except loaning money and exchange, and in gold or silver bullion, or in the sale of goods, chattels, rights and credits really and

Principal office of discount and deposit to be at Louisville—may have offices in other places.

Its business.

Negotiable notes put on the footing of foreign bills of exchange.

In what to deal

1834.

Notes, how
signed.

truly pledged for money lent and not redeemed in time, or goods which shall be the proceeds of its lands.

SEC. 3. That the bank or promissory notes to be issued by said Bank, shall be signed by the President of the principal Bank, and counter-signed by the Cashier thereof; and said Bank shall be restrained from issuing checks or orders payable at any of its offices or elsewhere, to any person or order, or to any person or bearer, with the intent that said checks or orders shall circulate as Bank notes.

Debts of the
bank not to ex-
ceed twice the
amount of its
capital stock.

SEC. 4. That said Bank shall not at any time owe, whether by bond, bill, note or other contract, an amount exceeding twice the amount of the capital stock actually paid in, exclusive of sums due on deposits; and in cases of excess, the President and Directors under whose administration it shall have taken place, shall be liable for all or any of the debts of said Bank, in their individual capacities, by a joint or several action of debt against them or any of them, their heirs, executors or administrators, in any court having jurisdiction thereof, by any creditor or creditors of said Bank; and shall be prosecuted to judgment and execution, any conditions or agreement to the contrary notwithstanding: *Provided*, That if the President or any of the Directors may be absent when the excess may be contracted or created, or being present, shall dissent from the act by which the excess is about to be contracted or created, he or they shall not be liable under this section, if he or they shall, within ten days from the creation of such excess or discovery thereof, make affidavit of their absence or dissent, and file the same for record with the recording officer of the city or county; and shall moreover, within ten days, give notice thereof in one or more of the public newspapers printed in this State, and transmit a copy thereof to the Governor of this Commonwealth for the time being; and shall, in said notice, call a meeting of the shareholders, which they are hereby authorised to do.

Upon a failure
to redeem its
notes in specie,
the charter to be
forfeited.

SEC. 5. The said Bank shall not, at any time, suspend, fail or refuse payment in gold or silver, of any of its notes, bills or other obligations due and payable, or any monies on deposit; and in case the officers, in the usual banking hours, at the office of Discount and Deposit, where the same shall be payable, shall refuse or unreasonably delay payment in gold or silver of the amount of any note there demandable and presented for payment, or the payment of any money

1834.

previously deposited at such office, and then due and demandable by any person or persons entitled to receive payment of the same, said Bank shall be liable to pay damages at the rate of twelve per cent per annum on the amount thereof, from the time of such failure, refusal or delay, until payment thereof; and for such failure or refusal or for any violation of this charter, the same shall be forfeited, and a *scire facias* shall be sued out in the name of the Commonwealth by the Attorney General, and such proceedings be had as to declare such forfeiture by the judgment of a court; and from and after the judgment of forfeiture, said corporation shall cease to exercise any of the powers and privileges hereby granted: *Provided*, Said forfeiture shall not be construed to prevent said Bank from suing and being sued, and continuing its operations for the purpose of closing its concerns; nor from making any contracts that may be convenient and proper for that purpose.

SEC. 6. That the real and personal estate, business, property, funds and prudential concerns of said Bank, and the administration of its affairs shall be under the direction, management and control of eleven Directors, eight of whom shall represent the private stockholders, and three the Commonwealth of Kentucky, chosen as hereinafter directed; they shall be stockholders; and after the first election, shall have been stockholders at least three months previous to their election; they shall be residents of this state, and citizens of the United States, and after the first election, they shall be elected annually on the first Monday in May. Each Director shall be the owner and holder of twenty-five shares of the stock in his own right; they shall hold their offices for one year, and until their successors shall be chosen; at least three of them shall go out of office annually. The Directors representing the private stockholders shall be chosen by the shareholders, who shall meet at the annual elections in the city of Louisville, at such time and place as the directory for the time being shall direct; and notice of the time and place of holding the annual elections, shall be published in at least two public authorised newspapers printed in Louisville, thirty days next preceding the election; the elections shall be by plurality of votes, to be counted and read in public after all the votes are taken; the elections shall be conducted under the direction of three shareholders,

The Directors.

Annual elections of—

how conducted.

1834.

Who shall be
eligible as a
director.

acting under oath, and previously chosen by the directory, and not of their own body. No person who is a Director or officer of another Bank, shall be eligible as a Director in this Bank; and any Director becoming a Director or officer of another Bank, or while under protest in this Bank, for the non-payment of debt, shall be held to have vacated the office of Director in this Bank; nor shall two partners in trade be eligible as Directors in this Bank, at one and the same time; and if the President, Cashier or any Director shall fail or become insolvent after his election or appointment, he shall become incapable to serve as an officer in this Bank, and shall be held to have vacated his place; nor shall he be appointed to serve in this Bank until all his debts are paid, or until he obtains a full discharge from the same; nor shall any one who has ever failed in business, be eligible to the office of President, Cashier or Director in this Bank until all his debts are paid, or until he is full discharged from the same. If, from any cause, an election should not take place on the day fixed by this charter, the corporation for that cause shall not be dissolved, but the stockholders may hold an election on any other day the by-laws shall direct.

Number of
votes on the
stock.

SEC. 7. That all meetings of the stockholders, and at all elections under this charter, each and every shareholder, whether individuals, companies or corporations, shall be entitled to one vote for each share held in their own right, up to fifty shares; and for every five shares over fifty and up to one hundred, one vote; and for every twenty shares over one hundred, one vote. After the first election no share shall entitle the holder to a vote, unless the same has been held by the person claiming to vote on the same, at least three months prior to that time, and so appear on the books of the Bank. Any stockholder entitled to vote, may do so in person or by proxy, such proxy being granted to a stockholder who is not the President or a Director, the Clerk, Cashier or Teller of the Bank; and any stockholder who is not a citizen of the United States shall not be entitled to vote on his stock.

May be voted
by proxy.

Directors to
elect a president,

SEC. 8. That the Directors chosen for the principal Bank under the provisions of this charter, shall as soon as may be after the first and every annual or other election of Directors, elect a President from their own body, who shall preside at the board until the next election; and in case of the death, absence or re-

signation or vacation of the office of President, the residue of the Directors shall choose a President *pro tempore*; they shall fill all vacancies which may occur in their own body during the time for which they were chosen, and a Cashier, Clerks, agents and servants of the principal Bank; fix their compensation, define their powers, and prescribe their duties, and shall require of them such bonds and in such penalties as they may deem right; which bonds shall be laid monthly before the directory, and an entry thereof made on record; and the directory may, from time to time, require such additional bonds and sureties, with such penalties and conditions as in their opinion will secure the Bank from loss or damage; and all such officers shall hold their places during the pleasure of the President and Directors.

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Fill vacancies in their own body, elect officers &c.

SEC. 9. The President and Directors of the principal Bank, (any six of whom shall form a quorum for the transaction of business,) may from time to time make such by-laws, rules and regulations for their own government, and for the management and disposition of the property, estate, funds and business of the Bank, and all matters appertaining thereto, which they may deem expedient, not contrary to the provisions of this charter, or the by-laws, rules and regulations which the stockholders at their annual or other meetings, may from time to time prescribe: *Provided, however,* That a concurrence of a majority of all the Directors, shall be necessary in the adoption of any of the by-laws of the institution.

President and directors may make by-laws.

SEC. 10. The President and Directors shall hold stated meetings at least once a week, on such days and at such hour of the day as they may from time to time appoint, and at such other time as they may agree on; and they shall attend called meetings at any time the President shall so direct; and all questions before the board shall be decided *viva voce*, and on the request of any two members, the yeas and nays on any proposition submitted, shall be entered or recorded on the journal of their proceedings; and no vote shall be reconsidered when a less number are present, than when the vote was given.

Hold stated meetings.

Questions to be decided *viva voce*.

SEC. 11. The President and Directors of the principal Bank, shall have power and authority, and it shall be their duty to establish not less than four, nor more than six branches; and they shall establish and continue one branch at some suitable place south of

Branches to be established.

1834. Green river, and one branch at some suitable place between Green and the Kentucky rivers; and two branches at some suitable places on the North of the Kentucky river, as soon as the sale of the stock will justify their doing so; and a branch to be located and continued at the seat of Government, unless the Legislature shall otherwise direct, to aid in the management of the fiscal affairs of the state, and the sixth branch at such time and place as the President and Directors may designate: *Provided, however,* That should the Directors fail to establish the fifth and sixth branches hereby authorised to be established, that the legislature hereby reserves the right to direct the establishment of these branches and to locate the sixth branch. The amount of capital which shall be employed at the principal Bank, and at the several branches, shall be under the control of the President and Directors of the principal Bank, so as to employ the same most advantageously to the stockholders and the community; and the right of the President and Directors of the principal Bank to change the location of a branch which shall have been mismanaged, or shall have proved unproductive, shall be unquestionable: *Provided,* There shall not be employed more than two fifths of the capital stock actually paid in as banking capital in the city of Louisville, unless authorised by the Legislature, and the bonds or scrip paid in by the Commonwealth, shall not, under this provision, be considered as capital paid in, until sold, and the cash received by the Bank; and it shall be lawful to employ the first five hundred thousand dollars paid in by individuals, companies and corporations as banking capital in Louisville; and it shall then be the duty of the President and Directors of the principal Bank, to employ the residue of the capital stock as paid in, to the establishment of branches until three fifths of all the capital stock paid in, shall be employed in the branches, and thereafter three fifths of what shall be paid in, shall be employed in the branches, and the residue may be employed in the principal Bank; and they shall establish the branch at the seat of Government first, and the others in such order of time as they shall deem expedient.

Proviso.

The amount of capital to be employed at Louisville and in the branches.

Directors and cashiers of the branches to be appointed.

SEC. 12. The President and Directors of the principal Bank shall have power and authority to appoint a Cashier and nine Directors for each of the branches, taking care to appoint qualified stockholders as

Directors, each having not less than five shares, and not less than three of the Directors of each branch shall go out of office annually. They shall also prescribe such rules and regulations for the government of the branches, as they may deem right, and shall have power to enforce the same.

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SEC. 13. The Directors of each of the branches shall choose one of their own body as President, and appoint a Clerk and such other officers as the President and Directors of the principal Bank shall direct; and not less than a majority of them shall form a quorum for the transaction of business.

President,
clerk, &c. of
the branches.

SEC. 14. That no dividend of the profits of said Bank shall be declared until there shall be a surplus of twenty thousand dollars for each million of dollars of the capital stock of the Bank actually paid in; and the surplus or contingent fund so raised, shall never be reduced below that ratio on all stock paid for: and it shall be the duty of the President and Directors of the principal Bank, on the first Monday in January and July of each year, to declare a dividend of the profits over and above the contingent fund aforesaid, among the stockholders, payable to them on demand; of which dividend, and the time and place of payment, notice shall be given. And if, at any time, said President and Directors shall declare a dividend lessening the capital stock, or lessening the contingent fund aforesaid, or by any mismanagement or neglect of duty shall cause any loss or deficiency of, or in the capital stock of said Bank, the Directors consenting thereto, or guilty of such mismanagement or neglect of duty, shall be jointly and severally liable to the stockholders or any creditor of said Bank, who may be injured thereby—and the President and each Director shall be deemed guilty of such mismanagement or neglect, or to have consented to such dividend, unless he forthwith give notice of his dissent thereto, or his absence from the institution, in like manner as provided in the fourth section of this charter, and call a meeting of the stockholders as herein provided.

Contingent
fund.

Dividends to be
declared.

SEC. 15. That it shall be the duty of the Cashier of the principal Bank on the first day of July, 1836; and on the first day of July in each succeeding year, during the continuance of this charter, to pay to the treasury of this Commonwealth twenty-five cents on each one hundred dollars of stock held and paid for in said Bank, which shall be in full of all tax or bonus:

Tax or bonus.

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Provided, That the Legislature may increase or diminish the same; but at no time shall the tax exceed fifty cents on each one hundred dollars of stock paid for in said Bank.

The president's compensation.

SEC. 16. That the board of Directors for the principal Bank shall allow to the President thereof, and to the Presidents of the branches, such reasonable compensation for their services as they may, from time to time, deem just; but no compensation shall be allowed to any Director of the principal Bank or any of the branches, unless the same be voted by the stockholders at some regular meeting.

Cashier's accounts to be examined monthly.

SEC. 17. That it shall be the duty of the President and Directors of the principal Bank, and they are hereby required, as often as once in every month, to cause a strict examination to be made of the accounts of the Cashier, and a full and complete statement to be made and entered on the journal of the proceedings of the board; and they shall cause the President and Directors of the several branches, to make a like monthly examination and statement of the account of the Cashiers to be made and entered on the journals of their proceedings.

Cashier and other officers not to engage in other business,

SEC. 18. That it shall not be lawful for the Cashier, Clerk, Teller or other subordinate officer of the principal Bank or any of the branches, either directly or indirectly, to engage in or carry on any other business than that of said Bank, without the especial license of the President and Directors of the principal Bank; nor shall any of them, either directly or indirectly become indebted to said Bank, either as borrower, endorser, surety or otherwise; and it shall not be lawful for the President or any of the Directors of said Bank or branches, to become bound as surety, or accommodation endorser, on any note or bill discounted at said Bank; and a violation of any of the provisions of this section shall subject the person violating the same to a penalty of five thousand dollars, to be recovered in the name of the corporation, and for the use of the Bank, by action of debt.

nor to owe the bank.

President and directors not to be endorsers of any note to the bank.

SEC. 19. That if the Cashier, Clerk, Teller, agent or other officer of the principal Bank or any of the branches shall, without the authority of the President and Directors of the Bank or branch, as the case may be, appropriate any of the funds of said corporation to his own use, or to that of any other person, or shall wilfully fail to make correct entries, or shall knowingly make false entries on the books of the Bank, with

Officers of the bank who use its funds or make false entries, guilty of felony.

intent to cheat, or defraud the corporation or any person, or to hide or conceal any improper appropriation of the funds of the corporation, the officer so offending, shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this state, for a period not less than five, nor more than twenty years.

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Sec. 20. That the President and Directors of the principal Bank shall keep a record or journal of all their proceedings, which they shall produce to the stockholders when by them demanded at any regular meeting; and they shall be open to inspection and examination of the Governor of this Commonwealth, or any person duly authorised by him, or to any committee appointed by the Legislature; and the President and Directors of the principal Bank shall cause the President and Directors of the branches, to keep a record or journal of all their proceedings, which they shall produce to the President and Directors of the principal Bank at all times; or to any person or persons authorised by them to inspect the same, and which shall be open to the inspection of the Governor of this Commonwealth, or any person duly authorised by him, and to the stockholders at any general meeting, or to any committee appointed by the Legislature.

A journal of their proceedings to be kept in the bank and branches.

Sec. 21. That the President and Directors of the principal Bank shall cause their Cashier to make, quarterly, on the first day of January, April, July and October, a complete memorandum in alphabetical order, of all the debts due said Bank, setting out the amount due by each individual, with the names of the endorsers, and a note of the other security; the date of the notes or bills, and when payable—and they shall cause the Cashier of the branches to make a like complete memorandum, in alphabetical order, of all the debts due at the several branches, by each individual, with the name of the endorsers and other security, and the date of the notes and bills, and when payable; one copy of which shall be retained at the branch, another copy shall be transmitted to the principal Bank—and these memorandums shall at all times be open to the examination of the President and Directors of the principal Bank and branches.

Memorandums of debts, &c. to be made out quarterly.

Sec. 22. That it shall be the duty of the President and Directors of the principal Bank, during the first week of the session of the Legislature in each year,

Annual reports to be made to the Secretary of State and

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laid before the
Legislature.

to transmit to the Secretary of State, an accurate and just statement of the condition of the principal Bank and branches, as it existed on the first day of the preceding month; which statement shall specify the amount of capital stock actually paid in, and the amount not paid in, and the value of the real estate belonging to the Bank, and its cost; the total amount of debts due to and from the Bank; the amount of gold and silver and other coined metals and bullion on hand; the amount deposited, the amount of bills in circulation, and the amount of bills on hand of other incorporated Banks, and the amount of notes in circulation of each denomination, issued by the Bank, the rate and amount of each dividend of profits made by the Bank, with the amount of surplus profits or the contingent fund; which statement the Governor of the Commonwealth shall cause to be laid before the Legislature of Kentucky, and the same shall be published in a newspaper printed at the seat of Government, and in one printed in Louisville, at the expense of the Bank; and they shall, when required by the Legislature, report all bad and doubtful debts.

All the officers
to take an oath.

SEC. 23. That the Presidents, Directors, Cashiers, Clerks, Tellers, and other officers of the principal Bank and branches, previous to entering on the discharge of their duties, shall take an oath before some justice of the peace of this State, faithfully, honestly, and to the best of their skill and judgment, to discharge all the duties of their respective offices and stations under this charter, or which may be required of them by the by-laws, rules and regulations of the corporation; and that they will not, during their continuance in office, sanction or permit any of the provisions of this charter to be violated; and should any such violation take place without their concurrence; that they will immediately communicate the same to the Attorney of the Commonwealth for the circuit in which the violation shall take place, and to the Attorney General of this Commonwealth.

Rate of interest
to be received
by the bank.

SEC. 24. The said Bank shall not contract for or receive a greater rate of interest than at the rate of six per centum per annum for the loan or forbearance of money; and the interest on promissory notes, negotiable and payable at said Bank, and there discounted, shall be calculated on the true time such notes have to run, including three days grace, and shall be paid in advance on Bank principles, and in conformity with Rowlet's tables of Discount and Interest.

SEC. 25. That said Bank shall not make any loan of money, or discount any note or bill, on the pledge of the stock of said Bank, in no case whatever; and no stockholder shall be allowed to pay any debt he may owe the Bank by the surrender of the stock of the Bank, until all the notes of the Bank shall have been redeemed, and all the debts of the Bank paid; and stockholders who shall become indebted to the Bank, shall be compelled to pay their debts in all respects as other persons dealing with the Bank; nor shall any stockholder be allowed to make payment of the shares of stock held by him, by means of a loan or loans obtained from said Bank.

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No loan to be made on a pledge of stock, nor debts paid by a surrender of stock.

SEC. 26. That the President and Directors shall issue certificates of stock to the holders thereof, whenever they shall be paid for; and the shares of the capital stock of said Bank shall be considered and held in law as personal property, and assignable and transferable only in such manner and at such place or places as the President and Directors of the principal Bank shall by their by-laws prescribe.

Certificates of stock to be issued, to be personal estate, & transferable.

SEC. 27. The certificates of deposit, bank bills or notes, bills of exchange or orders issued by said Bank, and signed by the President and countersigned by the Cashier, promising or requesting the payment of money to any person or persons, and to order or to bearer, as the case may be, shall be obligatory on said Bank, although not under its seal; and such of said notes or bills as shall be payable to order, shall be transferable by assignment and those made payable to bearer, by delivery.

Bank notes, &c. obligatory, tho' not under seal—and how transferred.

SEC. 28. That the real estate purchased by said Bank, under judgments or decrees in its favor, or under judgments or decrees of others, when it shall be necessary to purchase the estate in order to secure the payment of some debt due the Bank; and the real estate taken in payment of some debt due the Bank, shall be sold by the Bank within five years next after the estate shall have been fully acquired and the possession taken or recovered; and on their failure to sell the estate within five years, the same shall be vested in the Commonwealth, without office found.

Real estate to be sold in five years.

SEC. 29. That the general meeting of the stockholders shall be held annually on the first Monday in May in each year, in the city of Louisville, at the time of the annual elections; to which meeting the President and Directors of the principal Bank shall

General meetings of stockholders.

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present an accurate statement of the condition and affairs of the Bank; and general meetings of the stockholders may be called as provided in the charter, or by the President and Directors of the principal Bank, when they esteem it desirable; or by any number of stockholders the by-laws of the corporation shall require.

The Legislature may investigate the affairs of the bank

SEC. 30. The Legislature shall have the right to investigate the situation and affairs of the Bank, by any committee they may appoint for that purpose from time to time.

Forfeiture of the charter, how tried.

SEC. 31. The general court shall have jurisdiction to try the forfeiture of this charter, for the violations of any of the provisions of the same; the proceeding shall be by *scire facias*, alleging and specifying the acts of forfeiture relied on, and shall only be sued out at the instance of the Attorney General, when directed to do so by order of the Legislature.

Com'rs to open books for subscriptions for stock.

SEC. 32. That John I. Jacobs, Edward J. Bainbridge, W. H. Pope, George Keats, W. C. Fellowes, William Ball, Leven Shrieve, George Buchanan, John D. Colmesnil, Henry Forsythe and James Stuart, of Louisville; and John W. Hunt, Benjamin Gratz, Thomas E. Boswell, Richard Higgins and Elijah W. Craig of Lexington, shall be, and they are hereby constituted and appointed commissioners to open books and receive subscriptions for the capital stock of said Bank, and to superintend the election of the first board of Directors; and any three of them shall be competent to exercise the powers and perform the duties required by this section.

Powers and duties of the commissioners.

SEC. 33. The said commissioners shall have power and they are authorised and required, on the second Monday of April, 1834, or at such other time within twelve months thereafter as they shall deem expedient, having first given not less than thirty days notice thereof in some of the newspapers printed in Louisville and Lexington, to open books for the subscription of the capital stock of said Bank at Louisville and Lexington, and at such other places within the State as they may deem advisable; and cause said books to be kept open from 10 o'clock in the morning until 2 o'clock in the evening, for at least twenty days, and until at least ten thousand shares shall have been subscribed, when the same may be closed; and if more than thirty thousand shares shall have been subscribed by individuals, companies and corporations, the said commissioners shall deduct the excess from the

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largest subscriptions, in such manner, that no subscription shall be reduced, and leave the subscription of any other larger; and said commissioners may, if they deem it advisable, cause books to be opened for the subscription of any part of the stock they may direct, in any of the principal cities of the United States, on the same days that subscriptions may be opened in this state.

SEC. 34. That if the whole thirty thousand shares of capital stock shall not be taken when the books of subscription shall first be opened by the commissioners, the President and Directors shall cause the books to be re-opened annually, on the first Monday in May, or at such other time in the year as they may direct; and cause them to be kept open not less than twenty days, or until the whole balance shall be taken; and the President and Directors may require such premium on the stock sold at the re-opening of the books, as they shall deem right, which premium shall be the property of the Bank: *Provided*, It shall be the duty of the President and Directors of said Bank, if the whole stock shall not be sold, before the organization of the principal Bank, to cause books to be opened at some suitable place or places, in that section of the state where they shall be about to establish a branch, and allow to the subscribers of stock at those places, the like terms as though they had been original subscribers.

Books shall be re-opened annually till the stock is taken.

Proviso.

SEC. 35. That when not less than ten thousand shares of the capital stock shall have been taken, and the commissioners shall have closed the books, it shall be their duty to give notice in some public newspapers printed at each of the places where the books may have been opened and stock subscribed, and appoint a day and place in the city of Louisville, for the election of the first board of Directors for said Bank, who shall hold their offices until the succeeding annual election; and not less than thirty nor more than sixty days notice shall be given of the time and place of electing the said Board of Directors; and some three of the commissioners shall act as inspectors of the election, and shall take the proper oaths and perform all the duties of inspectors of elections in like cases.

First election of president and directors.

SEC. 36. That payment of the shares of the capital stock held by individuals, companies and corporations, shall be made in gold and silver, and at the times and in the manner following, to wit: five dollars on each share, to the commissioners, at the time of subscribing, and five dollars on each share within ten days

Payments for stock how made

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When the bank
is to commence
business.

dollars of the capital stock shall have been paid in by individuals, companies or corporations in gold or silver, the President and Directors shall cause the Governor of this Commonwealth to be notified thereof; who is hereby authorised to appoint some suitable person to count the money so paid in as capital stock, and to take the oath of the President and not less than six of the Directors, that the same has been paid in as capital stock *bona fide*, and make due return thereof to him; and on such appearing to be the fact, the Governor is authorised to issue his proclamation that the amount hereby required to be paid in, and in the funds hereby required, has been done, and that said Bank is authorised to commence its operations as a banking institution; and from and after the first publication of such proclamation, it shall be lawful for said Bank to commence business.

Amount of
stock to be held
by individuals
limited.

SEC. 41. That no one individual, company or corporation, shall be allowed to take or hold more than two thousand shares of the capital stock of said Bank, either in their own names, or in the name of others in trust for them; and all stock that any individual, company or corporation shall take or hold, contrary to this provision, shall be forfeited to the Bank for the benefit of the other stockholders; and no individual, company or corporation shall be allowed, in person or by proxy, to vote at the first election of Directors, on any stock which may stand in his, her or their names, without first making oath that the stock *bona fide* belongs to them, and is not held in trust for others.

No stock to be
voted except by
bona fide owners
thereof.

Notes receivable
in all payments
to the
state, and for
county levies.

SEC. 42. *Be it further enacted*, That the bills or notes of the said corporation, originally made payable to bearer, shall be receivable in all payments to the state, and on account of county levies, unless otherwise directed by law.

[Approved February 22, 1834.]

CHAP. 449.—AN ACT to authorise the County Courts of certain Counties to increase the allowance to patrols in said Counties.

Washington,
Bourbon, Mad-
ison, Mercer,
Mason and
Jessamine.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county courts of Washington, Bourbon, Madison, Mercer, Mason, and Jessamine counties, in lieu of the compensation now allowed by law to patrols, shall be, and are hereby

authorised, if they deem it expedient, to allow to the captain of any patrol a sum not exceeding one dollar and fifty cents, and to any assistant a sum not exceeding one dollar, for every twelve hours they shall patrol under the order of said courts, to be paid out of the county levy as heretofore.

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[Approved February 22, 1834.]

CHAP. 450.—AN ACT to amend and reduce into one the several acts concerning private passways in certain Counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That where a plantation or tract of land belonging to any person or persons in the actual possession thereof, shall be so situated, from the fencing erected upon other lands, in conjunction with any natural obstruction, that no reasonable road or passway therefrom exists, or is left, for travelling to or attending market-houses, courts, or warehouses, it shall and may be lawful for those so aggrieved, having given ten days previous notice, in writing, to any person or persons through whose lands it shall be proposed to establish a private passway, to apply to the county court for his county, whose duty it shall be to appoint five housekeepers of good fame, and nowise related to either party, (any three of whom may act) who, after being sworn before some justice of the peace faithfully and impartially to discharge the duties required of them by this act, shall go upon any lands through which a passway shall be desired, and carefully examine into the whole cause of complaint; should a majority of them, after such examination, be of opinion that there is a positive necessity for such passway, arising either from the causes before mentioned, or from the unreasonable extent of travelling around the lines of such lands, they shall designate, with sufficient certainty, the route said passway ought to be laid out; the width of which shall not exceed fifteen feet, except at places where bridging or causewaying may be necessary; a descriptive report of which they shall make out and return to the county court, and a copy of which the applicant for such way shall deliver to the proprietor of the lands through which said way is proposed, his agent, or attorney, if in the county, ten days before the court shall act upon the original re-

Persons desirous of having a private passway from their land to courts, &c. to apply to the county courts.

10 days previous notice to be given the owner of the land.

Five com'rs to be appointed to examine and report thereon to the court specially, &c.

A copy of the report to be delivered to the owner of the land over which it is designed to pass.

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The court may dismiss the motion if the report is unfavorable to the passway.

Or if favorable to the establishment thereof may award a writ of ad quod damnum to assess the damages, and establish the same upon the payment of the damages by the applicant.

The applicant for the passway to erect gates if deemed necessary.

The route of the passway may be changed upon like application to the court upon the report of commissioners.

port. But should a majority of said commissioners be of opinion that there is no real necessity for such passway, they shall report the fact to the court, who shall thereupon dismiss the motion for the same.

Sec. 2. *Be it further enacted*, That upon the commissioners returning to the county court their report in favor of any passway authorised by this act, it shall be the duty of the court, if they shall be satisfied of the necessity thereof, to establish said way, and grant to any party claiming the same, a writ of ad quod damnum for the assessment of damages, as required in cases of public highways; and all damages assessed in pursuance of this act, shall be paid or tendered by the applicant for such way to the party to whom they shall be awarded, before such way shall be opened.

Sec. 3. *Be it further enacted*, That where a gate or gates shall be necessary on any passway so established, the applicant, his or her assignee, for such way, shall, at his or her own costs, erect and keep in repair such strong and durable gates at such places as the court by their order shall direct; and all gates thus erected, shall be so made as to shut and latch of themselves when opened, and to be of sufficient width to admit the passage of wagons or carriages with convenience; and no passway established in pursuance of this act, shall be used as such, until two or more of the commissioners before required shall examine said gates, and report the same to the court as sufficient.

Sec. 4. *Be it further enacted*, That when the owner of any lands through or upon which any such private way shall run, shall desire a change thereof, he shall give ten days notice, in writing, to such person or persons for whose benefit the same shall have been established, or their successors, of the day on which such application to the court of the county will be made for that purpose; who, upon hearing said motion, shall appoint five commissioners as herein before directed, who being sworn before some justice of the peace, shall view the ground proposed for said way, and report to the court the conveniences and inconveniences resulting to each party, if such change is made; whereupon the court shall, if in their judgment it shall seem just and reasonable, order and direct such alteration in such passway as they shall adjudge right and proper between the parties interested; the affixing gates and making the new way according to such change, to be done by the party applying therefor, in such manner as the court, by their order, shall direct.

Sec. 5. And to prevent the injury arising from inclosing lands to the full extent of their boundary, and for the purpose of passing to mills, churches, muster-grounds, places of holding elections in precincts, reaching public roads, and of affording to those whose lands extend to public highways the means of a fair and reasonable enjoyment of their estates: *Be it further enacted*, That in all cases in which the proprietor or any other in possession of lands, shall not leave outside the fencing or enclosure of such lands ten feet in width along their lines, of suitable ground where a private passway for the purposes aforesaid shall be required, the county court shall hear the application of any person aggrieved thereby, for a passway through any such enclosure, and proceed as before directed, to establish the same, if it should appear to them such way is necessary.

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Recital.

The like proceedings may be had in favor of persons having no passway to mill, church, muster, elections and public roads, &c.

Sec. 6. *Be it further enacted*, That if any person or persons shall open and leave open any gate erected in obedience to this act, or shall break or otherwise injure the same, or shall commit any wilful or negligent trespass upon any crop being or growing within any enclosure, and not within the bounds of any passway established by virtue of this act, or shall put or cause any obstruction in such way, he, she, or they, so offending, if a white person or free negro, shall be fined, upon a warrant brought before a justice of the peace, in any sum not exceeding four dollars; and in default of immediate payment, shall be committed to the jail of the county, there to remain at the rate of one dollar per day in lieu of said fine, until the sum shall be discharged; or if a slave, shall be whipped by order of a justice of the peace, in any number of stripes not exceeding twenty: and where the injury or trespass shall not exceed four dollars value, the sum may be recovered before any such justice of the peace, upon proof to him made of the amount of injury sustained.

Penalty for leaving open or injuring any gates, by which injury is done to crops, &c.

How recovered and applied.

Or if a slave how punished.

Sec. 7. *Be it further enacted*, That it shall and may be lawful for any person or persons, after any private passway shall be established in pursuance of this act, to open at his own costs and keep the same in repair.

The applicant for the passway to open and keep it in repair.

Sec. 8. It shall be lawful for any person or persons aggrieved by the decision of the county court in the establishment, change, or discontinuance of a private passway under this act, to prosecute an appeal or writ of error, into the circuit court of the county, under the same rules and regulations prescribed in the case

Appeals may be taken to the circuit courts under this act.

1834. of roads, by the act, entitled, "an act to authorise the commonwealth to prosecute writs of error, and for other purposes," approved January 29, 1830: *Provided*, That no appeal or writ of error shall be, in such cases, to the court of appeals.

Proviso.

This act not to apply to any passway heretofore established.

Proviso.

Repealing clause.

This act limited in its operation to certain counties only.

Sec. 9. *Be it further enacted*, That nothing in this act contained, shall be construed in anywise to affect any private passway heretofore established in pursuance of any law; but the same shall remain as though this act had never passed: *Provided*, That in all cases provided for in this act, a majority of all the justices in commission shall be necessary to constitute a court.

Sec. 10. *Be it further enacted*, That all acts or parts of acts coming within the purview of this act, shall be, and the same are hereby repealed.

Sec. 11. *Be it further enacted*, That the provisions of this act shall apply to and operate only in the counties of Jefferson, Bath, Nicholas, Bracken, Harrison, Hardin, Scott, Oldham, Grant, and Mercer.

[Approved February 22, 1834.]

CHAP. 451.—AN ACT to change the place of voting at Christiansburg, Shelby County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the votes at all elections in the town of Christiansburg, shall hereafter be taken at the house of Isaac Baker, instead of Thomas Bohannon's old tavern stand.

[Approved February 22, 1834.]

CHAP. 452.—AN ACT for the benefit of Amelia S. Barnes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract existing between Amelia S. Barnes and her husband, Nathan Barnes, be, and the same is hereby dissolved and disannulled as to the said Amelia; and that she be restored to her maiden name, Amelia S. Roper.

[Approved February 22, 1834.]

CHAP. 453.—AN ACT for the benefit of William B. Cook.

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Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that a law approved December, 1832, gave to William B. Cook and Braxton B. Courts, executors of Everard Clark, deceased, authority, by applying to the circuit court of Barren county, to sell certain land belonging to the estate of the said Clark; but before the same could be carried into execution, the said Braxton B. Courts has absconded: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for said William B. Cook to carry into execution the provisions of the before recited act, and to do any and every other act in relation to said estate, as though the same were done jointly by said Cook and Courts.

[Approved February 22, 1834.]

CHAP. 454.—AN ACT for the benefit of Mary Ann Forester.

Whereas, William H. Cole, of Barren county, hath represented to the present General Assembly, that he is the father of an only child, a natural born daughter, called and known by the name of Mary Ann Forester, now residing with him; which child he is desirous to legitimate, by giving to the said Mary Ann all the rights and privileges of inheritance in and to his estate, in the same manner and to the same extent as if she were his lawful issue and heir at law, requesting that the said Mary Ann Forester be called and known in future by the name of Mary Ann Cole: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter the said Mary Ann shall be styled, called, and known by the name of Mary Ann Cole, and not Mary Ann Forester, as heretofore.

Sec. 2. *Be it further enacted,* That the said Mary Ann Cole shall have, possess, and enjoy, all the rights of inheritance, in and to the estate of the said William H. Cole, as well real as personal, which she might or could derive, possess, or enjoy, from her said father, were she his lawful issue born in lawful wedlock.

[Approved February 22, 1834.]

1834.

CHAP. 455.—AN ACT for the benefit of James Buchanan.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James Buchanan, late of Ireland, may purchase, hold, and pass real estate in the city of Louisville, in the same manner, and under the same regulations, as the citizens of this state may lawfully do.

[Approved February 22, 1834.]

CHAP. 456.—AN ACT to incorporate the Winchester and Lexington Turnpike Company.

A company incorporated and the style thereof.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be, and the same is hereby formed, for the purpose of making a turnpike road upon the McAdam plan, from Winchester to Lexington, under the name and style of the President, Directors, and Company of the Winchester and Lexington Turnpike Road.

Amount of capital stock.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be sixty thousand dollars, divided into shares of one hundred dollars each.

Books for the subscription of stock to be opened at Lexington, Winchester, Chilesburg and Colbyville.

SEC. 3. *Be it further enacted,* That books for the subscription in the stock of said company, shall be opened on the first Monday of July, 1834, unless the commissioners hereafter appointed shall fix an earlier day: at Lexington, Winchester, Chilesburg, and Colbyville, under the direction of the commissioners hereinafter named, that is: at Lexington, under the direction of Robert Wickliffe, sen., Elisha Wartfield, Aaron K. Woolley, John Brand, Richard Higgins, and Charlton Hunt; at Winchester, under the direction of Samuel W. Taylor, Richard Hawse, James B. Duncan, Joseph Decret, John Williams, and James Simpson; at Chilesburg, under the direction of Richard Chiles, Thomas P. Dudley, Clifton R. Ferguson, Hubbard Taylor, jr., Matthew Kenney, and Edward Darnaby; and at Colbyville, under the direction of Colby H. Taylor, Samuel D. Martin, Dickenson Parrish, Edmund W. Hockaday, William Price, and Willis R. Smith. The commissioners named at each of the foregoing places, or any three of them, shall procure one or more books, and in each of them enter as follows: We, whose names are hereunto subscribed, do promise to pay to the President, Directors, and Com-

Names of the commissioners.

pany of the Winchester and Lexington Turnpike Company, the sum of one hundred dollars for every share of stock in said company set opposite our names, in such manner and proportions, and at such times, as shall be determined on by the president and directors of said company, and agreeably to an act of Assembly of the Commonwealth of Kentucky incorporating said company. Witness our hands this

day of _____ in the year _____

The said commissioners shall give, in one or more of the public newspapers printed in Lexington, one month's notice of the time and place at which books will be opened to receive subscriptions for stock in said company; at which times and places some one or more of the commissioners above named at each place, shall attend, and permit all persons of lawful age, bodies corporate or politic who shall offer, to subscribe in said books in their own names, or that of any other person who shall duly authorise the same, for any number of shares in the said stock: the said books shall be kept open for the purpose aforesaid, by adjournment from place to place, and from time to time, until the whole number of shares shall be subscribed; of which adjournments the said commissioners shall give such notices as the occasion may require: *Provided*, That the president and directors of said company shall not have power to call in more of said stock than ten dollars on each share in any sixty days.

SEC. 4. *Be it further enacted*, That when two hundred and fifty shares of said stock shall have been taken, the commissioners shall give thirty days notice in one or more of the newspapers printed at Lexington, that the number of shares required by the act of incorporation to organize the company, have been subscribed, and that an election will be held at Lexington, Winchester, Chilesburg, or Colbyville, (as the commissioners may determine,) to choose by a majority of the votes of the subscribers, by ballot, to be delivered in person or by proxy duly authorised, a president, ten directors, a treasurer, and such other officers as they may think necessary to conduct the business of said company, for one year, or until other such officers shall be elected.

SEC. 5. *Be it further enacted*, That when the company shall be thus organized, they shall be, and are hereby declared a body politic and corporate, in deed and in law, by the name, style and title of the Presi-

1834.

Form of the obligation to be signed by the subscribers.

Notice to be given of the time and place of receiving subscriptions.

Books to be kept open until the whole number of shares are subscribed.

How much stock may be called every 60 days.

When 250 shares are subscribed a general meeting may be called for the election of a president and directors.

When thus organized, declared to be a corporate body. Style thereof.

1834.

The powers and
privileges granted.

May enlarge
the capital stock
by new sub-
scriptions.

May receive,
hold and sell
real and person-
al estate—sue
and be sued,
&c.

May enact by-
laws, &c. for
their govern-
ment.

The plan and
manner of con-
structing the
road.

Part of the pro-
visions of the
act incorpora-
ting the Louis-
ville and Bow-
linggreen turn-
pike road adop-
ted as a part of
this act as far as
they are appli-
cable or consist-
ent herewith.

dent, Directors and Company of the Winchester and Lexington Turnpike Road; and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking, and holding, to them and their successors and assigns, and also of selling, transferring, and conveying, in fee simple, all such lands, tenements, and hereditaments, and estate, real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, impleading and being impleaded, answering and being answered, defending and being defended, in courts of record or any other place whatsoever; and also to make, have, and use a common seal, and the same to break, alter, and renew at pleasure; to make such by-laws and regulations, not inconsistent with the laws and constitution of this commonwealth, and of the United States, as shall be necessary for the well ordering the affairs of said company; and to do all and every other matter and thing which a corporation or body politic may lawfully do.

Sec. 6. *Be it further enacted*, That the whole width of said road shall be fifty feet—the graded part whereof shall be, at all places where the ground will admit of it, at least forty feet in width, and the artificial or McAdamised part thereof shall be covered with pounded stone on one side, nine inches thick, and not less than twelve nor more than eighteen feet in width.

Sec. 7. *Be it further enacted*, That all the provisions from the fifth to the twenty-eighth section inclusive, of an act, entitled “an act to incorporate a company to establish a turnpike road from the city of Louisville, by the mouth of Salt River, Elizabethtown, Munfordsville, and Bowlinggreen, to the state line, in the direction to Nashville,” approved February 2, 1833, except so far as is already provided for in this act, or may come in collision with the provisions of the same, and so far as the same are applicable to the object and intent hereof, be, and they are hereby adopted and enacted as a part of this act; and all the rules for the government of said corporation from the fifth to the twenty-eighth section of said recited act not inconsis-

tent herewith, are hereby adopted for the regulation and government of the Winchester and Lexington Turnpike Company, except that the elevation of said road, when graded, shall not exceed two and a half degrees; and that persons shall not be exempt from toll when passing and repassing on said road to worship, except on Sunday.

1834.
Exceptions thereto.

Sec. 8. *Be it further enacted*, That when the sum of fifteen thousand dollars shall be subscribed in stock by individuals, the Governor is authorised to subscribe the sum of fifteen thousand dollars in stock in said corporation on behalf of the commonwealth; and when the further sum of fifteen thousand dollars shall be in like manner subscribed by individuals, the Governor is authorised to subscribe the further sum of fifteen thousand dollars in stock in said corporation, on behalf of the commonwealth: and whenever the president and directors of said corporation shall certify to the Governor that any amount per cent. upon stock has been paid by individual stockholders, the auditor is directed to draw upon the treasurer in favor of the said president and directors for the like amount per cent. to be paid on behalf of the commonwealth, from time to time, out of the funds provided by an act of Assembly passed at the present session, entitled, an act to provide for the payment of subscriptions and appropriations to objects of internal improvements, until the whole amount of the subscription of the state shall be paid.

Subscriptions for stock authorised on the part of the state

When and out of what fund to be paid.

Sec. 9. *Be it further enacted*, That the commonwealth shall have the right to vote at all elections for president and directors, and give the like number of votes as other stockholders according to the amount of stock; the said right to be exercised in the same manner as is done in other turnpike corporations in which the commonwealth holds an interest.

The stock of the Commonwealth to be voted on in the general elections of the stockholders.

[Approved February 22, 1834.]

CHAP. 457.—AN ACT for the benefit of the Lexington and Ohio Rail Road Company.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Lexington and Ohio Rail Road Company be, and they are hereby authorised and empowered to borrow, upon the credit

Company may borrow money and issue bonds

1834. of the Company, any sum not exceeding four hundred thousand dollars, and at a rate of interest not exceeding six per centum per annum, and issue bonds therefor under the seal of the corporation, signed by the president, and countersigned by the treasurer; and to secure the payment of the principal sum and interest, the said company may, by mortgage or other deed, pledge their whole estate and effects which they now have or may hereafter acquire, or any part thereof.

Bonds may be converted into stock.

Sec. 2. *Be it further enacted*, That the president and directors of said company may, having first obtained permission from the stockholders in the company holding a majority of the stock, stipulate for the conversion of the bonds herein authorised to be issued, into the stock of the company, at a period of time to be agreed upon between the parties to the loan.

President and directors to give bond.

Sec. 3. *Be it further enacted*, That said president and directors shall, upon the procurement of a part or the whole of the money borrowed under the authority of this act, execute a penal bond for double the amount obtained, binding them in their individual capacities, jointly and severally, conditioned that they will faithfully apply, to the lawful objects of said company, all money borrowed under this act; which bond shall be payable to the commonwealth of Kentucky, and lodged with the clerk of the county court of Fayette county for record.

May establish offices of transfer.

Sec. 4. *Be it enacted*, That the president and directors aforesaid, shall have power and authority to establish in the cities of New York and Philadelphia, offices for the transfer of certificates of stock in the company, or bonds given for money lent to them under the authority of this commonwealth; and to appoint an agent or agents to superintend and make such transfers, conformably to the charter and by-laws of the company, any thing contained in their act of incorporation to the contrary notwithstanding: *Provided, however*, That nothing herein contained shall be so construed as to prejudice the lien held by this commonwealth upon the property or effects of said corporation.

Proviso.

[Approved February 22, 1834.]

CHAP. 458.—AN ACT providing for the sale of real estate in certain cases,

1834.

Whereas, it is represented that the lands devised by Nicholas Gardner, deceased, is of but little value to the respective devisees, and if divided between them, that value would be still reduced: and whereas the devisees have petitioned for the passage of a law, to authorise the sale thereof: Wherefore,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the circuit court of Fleming county, upon the petition of the adult devisees, and the guardian or guardians of such as are infants, to enquire and ascertain whether the sale of the land devised by the said Nicholas Gardner, would redound to the interest of the infant devisees, and upon being satisfied that the interest of the infants would be advanced by the sale, it shall be lawful for the court, through a commissioner to be appointed for that purpose, to order and cause the land devised to be sold, on such credit, and at such time and place as may be deemed best.

Fleming circuit court may decree a sale of land belonging to the devisees of Nicholas Gardner.

SEC. 2. *Be it further enacted*, That it shall be necessary for the court, before the land is sold as aforesaid, to require of the commissioner to execute bond before the clerk of the court, with security to be approved by said court, and in a penalty to be fixed by the court, conditioned to perform whatever duty may be required of him by the order or decree of the court; and also to pay whatever sum or sums may be received by him, to such person or persons, and at such time as the court may at any time order or direct.

Com'r's to give bond.

SEC. 3. The commissioners shall take from the purchaser or purchasers, bond with approved security, payable to himself, for the purchase money; and it shall be his duty to report his actings and doings to the next succeeding circuit court.

Purchaser to give bond and security.

SEC. 4. On the coming in of the report, and after it shall be confirmed by the court, it shall be lawful to order the same commissioner or some other, to convey the land to the purchaser or purchasers; which conveyance when made by deed, and acknowledged and recorded in court, shall vest all the right, title and interest of the devisees in the purchaser.

A deed to be executed.

SEC. 5. *Be it further enacted*, That it shall be lawful for the circuit court of Lincoln county, upon the

1834.

Lincoln circuit court may decree a sale of the land of the devisees of Moses Burch.

Proviso.

Com'r to give bond.

Garrard circuit court may decree a sale of the land of the devisees of John Stone.

Proviso.

Sales, how made.

petition of the adult owners, and such as may be infants, by their guardian or guardians, to decree a sale of the land devised by the last will of Moses Burch, deceased, and to make such orders and decrees therein, as may be necessary and proper to cause a sale and conveyance thereof, and to secure to those entitled, the proceeds of the sale money according to the rights of each: *Provided, however,* That before a sale is decreed, it shall be made appear to the court, that a sale of the land would redound to the interest of the infants: *And provided, also,* The court shall have executed in the clerk's office by the commissioner who may be ordered to make the sale, bond with approved security, conditioned faithfully to execute the decree, and whatever else the court may from time to time order and direct, in regard to the collection and payment of the money for which the land may be sold.

SEC. 6. *Be it further enacted,* That the circuit court of Garrard county shall possess like power and authority, under like limitations and restrictions, to decree the sale of land devised to the infant children of John Stone, deceased, by the last will of said John Stone: *Provided,* That it be made appear by petition of the guardian of said infants, that a sale of the land would redound to their interest: *And provided also,* The court should make all necessary orders, and require such bonds to be executed by such persons as may be proper to secure, not only a fair sale and conveyance of the land, but to secure to the infants or such others as may have a just claim to the proceeds of the sale or any part thereof, the payment according to their respective rights, and at such time or times as the court may direct.

SEC. 7. *Be it further enacted,* That the sales which the courts are empowered by the foregoing provisions to have made, shall be made at such times and upon such credits as may be deemed best for the infants.

[Approved February 22, 1834.]

CHAP. 459.—AN ACT for the benefit of Harriet W. Johnson.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Harriet W. Johnson, be, and she is hereby divorced from her husband, Robert W. Johnson, and restored to all the rights, privileges and immunities of an unmarried woman.

(Approved February 22, 1834.)

Divorced from her husband.

CHAP. 460.—AN ACT to amend the Charter of the City of Louisville.

1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the city authorities of Louisville, to borrow on the credit of the city, an adequate sum to construct Water Works, not exceeding two hundred thousand dollars, for which they may issue a scrip, or execute the city bonds, payable at such time, and with such interest, not exceeding six per cent. as may be agreed on.

City authorities may borrow money to erect water works.

SEC. 2. That it shall be lawful for the city authorities of Louisville, to purchase and hold all such lots and lands, and right of way, that may be required in the construction of Water works; and if the city authorities of Louisville, and the owners of lots and lands which shall be required in the construction of Water works, or through which the right of way shall be required, cannot agree as to the purchase thereof; or when the owners of such lots and lands shall be infants, or *feme covert*s, it shall be lawful for the city of Louisville to apply to the Jefferson circuit for a summons against the owner or owners of such lots and lands, to shew cause why the same should not be conveyed to the city of Louisville, at a fair value, or the right of way established through the same at a fair price; and it shall be lawful for the owner or owners to pay a writ of *ad quod damnum* which on his, her or their prayer shall be awarded, and the value of the lots and lands ascertained, or the damages the party will sustain by reason of the establishing the right of way, assessed by the verdict of a jury, which shall be returned to the court; and the court on satisfactory proof that such lots and lands are convenient and required for the construction of water works, or that the right of way is convenient, and required for that object, shall direct the sum assessed to be paid to the owner, and when the same is paid, shall cause the lots and lands, or right of way to be conveyed to the city of Louisville; and for that purpose shall have power to appoint a commissioner to convey the same, which conveyance approved by the court, shall be effectual to vest the city with the title to the lots and lands or right of way.

May hold property required for the works.

A writ of *ad quod damnum* may issue to ascertain the value of lands and assess damages.

Damages to be paid and lots or right of way conveyed.

SEC. 3. That it shall be lawful for the city authorities of Louisville, by ordinance, to remove one or both their ferries to any lots or lands owned or to be owned by them, above the mouth of Beargrass creek.

City ferries may be removed.

1834.

City marshal & clerk of mayor's court liable for charging illegal fees.

Sec. 4. *Be it further enacted,* That it shall be illegal for the Marshal of the city of Louisville to make out a fee bill to charge and collect a fee for summoning a jury in any case where the jury shall not be sworn, and he shall be liable to the same fines and penalties imposed by law on sheriffs for illegal fee bills and excessive charges, for his services; and the clerk of the Mayor's court shall be liable to the same fines and penalties imposed by law on clerk's for illegal fee bills and excessive charges for their services; and the persons aggrieved shall be entitled to the same remedy against the Marshal and clerk.

Certain persons may be confined in the city workhouse,

Sec. 5. *Be it further enacted,* That it shall be lawful for the Mayor and Council of the city of Louisville, by ordinance, to direct that all persons, whom the city of Louisville are by law, bound to maintain, when committed to the jail of Jefferson, shall be committed to, and confined in the prison and work-house of the city of Louisville, at the costs of the city.

Inspectors and gaugers of liquor to mark barrels.

Sec. 6. *Be it further enacted,* That the inspector and gauger of liquors for the city of Louisville, be required to mark on the head of each barrel of Whiskey or Brandy inspected by him, the degrees of proof possessed by said spirit: *Provided,* That nothing herein contained shall be so construed as to affect the vested or private interest of any one now invested in the ferries established across the Ohio river at Louisville.

Vested rights in the ferries not to be affected by this act.

[Approved February 22, 1834.]

CHAP. 461.—AN ACT for the benefit of the heirs and legal representatives of James G. Lindsey, deceased.

Preamble.

Whereas, it is represented to the present General Assembly of the Commonwealth of Kentucky, that James G. Lindsey, late of Campbell county, departed this life, intestate, leaving his estate indebted to an amount much larger than the value of his personal property, and otherwise embarrassed by suits, involving the right to a large part of the landed estate of which he had possession, and to which he claimed title, which said suits are now prosecuting by, and against the legal heirs and representatives of the said decedent, all of whom are under the age of twenty-one years: and whereas it is further represented that the aforesaid heirs and legal representatives would be

much benefited in the estate to them descended, by a sale of as much of their land as may be necessary for the payment of debts, without having the same exposed to sale under execution: Therefore,

1834.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the administrator of the estate of the aforesaid James G. Lindsey, deceased, or the mother of the aforesaid heirs and legal representatives, or such person as may be appointed guardian for said heirs by the county court of Campbell county, may file a petition in the Campbell circuit court, setting forth therein as near as may be, the amount of assets now in the hands or which may thereafter come to the hands of the aforesaid administrator; the number and amount of debts as near as may be, for which the aforesaid administrator and heirs are bound; and also the tracts of land, with the present situation thereof, which belong to the aforesaid heirs in right of descent from their deceased ancestor; and also setting forth that in the opinion of the petitioner, a sale of lands sufficient for the payment of debts due the creditors of said estate, would redound to the advantage of said heirs and legal representatives; and giving also, his or her opinion as to what tract or tracts of land it would be most to the advantage and interest of said heirs to sell, which said petition shall be sworn to in open court, or before some justice of the peace for Campbell county. Upon the filing of the petition aforesaid, the circuit court of Campbell county, to whom jurisdiction under this act is hereby given, shall appoint two or more disinterested persons, housekeepers of the county, to value the real estate in the aforesaid petition mentioned, and to report their valuation to said court in writing under oath; and the said report when made out and sworn to, shall be noted on the records of said court by the clerk thereof as having been filed.

Petition to be filed in Campbell circuit court.

Court to appoint commissioners to value lands.

Sec. 2. *Be it further enacted*, That the said circuit court after the filing of the report of the commissioners aforesaid, on some convenient day of that or the next term, shall, if in the opinion of said court, the interest of said heirs, and the situation of said estate may require it, decree to be sold as much of the land in said petition mentioned, out of any part thereof, as shall appear necessary for the payment of debts owing by said estate, after allowing for the amount of assets in the hands of the administrator;

Court may decree lands to be sold.

1834.

Proviso.

and the said circuit court shall appoint the petitioner or some fit person commissioner to make sale of the land decreed to be sold, at such time and place, and upon such terms as said court may direct: *Provided, however,* That before the said court renders any decree to sell lands as aforesaid, the petitioner shall execute in open court, bond with approved security, in a penalty at least double the value of the lands to be sold, payable to the Commonwealth of Kentucky, and conditioned to fairly pay and discharge the debts of said estate as far as the proceeds of said sale may extend; and to return to said court a correct statement in writing of his actings and doings, accompanied with proper vouchers for all monies by him or her paid out; which bond shall be filed in said court, and may be sued upon by any person sustaining damage, for a violation of the conditions thereof: *And provided, further,* That no land shall be sold by proceedings under this act, unless the same will bring two thirds of its value.

Proceeds of sale
pay debts.

Deeds to be
made.

Guardian of in-
fants may arbi-
trate land dis-
putes.

SEC. 3. *Be it further enacted,* That all bonds or notes taken from the purchaser or purchasers of the land aforesaid, or any part thereof sold under the proceedings authorised by this act, shall be made payable to the person filing the petition aforesaid, and shall be by him or her collected when due, and paid to the creditors of said estate, under the directions of the Campbell circuit court aforesaid. And the said court shall have power upon the coming in of the commissioners report of the sale of the lands aforesaid, or any part thereof, to decree a conveyance of such land to the purchaser or purchasers thereof, and to direct the commissioner or any other person said court may appoint, to make conveyance accordingly; and any deed or deeds when thus made, shall be deemed and held sufficient to pass to the purchaser or purchasers, all the right and title of the aforesaid heirs therein.

SEC. 4. *Be it further enacted,* That the person appointed guardian for said heirs as aforesaid, shall have full power and authority under the directions of the Campbell circuit court, upon a fair statement in writing to said court made, of any difficulty or dispute, in or about the possession or title of, or to any tract or tracts of land claimed by said heirs by descent from their deceased ancestor, to refer the whole matters in dispute in such statement in writing contained, to two or more persons by the guardian aforesaid, on the part

1834.

of the said heirs, and the person or persons with whom the dispute or difficulty in or about the possession or title of such lands in said written statement contained may be, or to two or more persons appointed by said court; and all suits now pending in any of the courts of this Commonwealth, in which said heirs are concerned, about possession or title of lands may be referred to a like number of persons, chosen in the same way, under an order of the court, in which such suit may be pending; and the award and determination of such persons or a majority of them when entered up as the judgment, or *deor* decree of any such court, shall be held and deemed conclusive between the parties; and the conditions and terms thereof may be enforced by any proper order or decrees made by such court, according to the usages and practices of courts of law or equity, operating either upon the person or the thing or property in dispute; and the said court shall have power to appoint a commissioner to make any, and all necessary deed or deeds conveying any, and all title or titles by the award and determination aforesaid, and the judgment and decrees of such court thereon directed to be made; and any deed or deeds thus made, shall be deemed and held sufficient to pass the title of the property therein named, so far as the said heirs and the person or persons, parties to said agreement are concerned.

Court may also appoint arbitrators.

And decree the execution of their award.

Sec. 5. *Be it further enacted*, That the guardian aforesaid, on the part of said heirs, and the administrator of said estate, shall have power and authority to refer any, and all suits now pending in any of the courts of this Commonwealth, wherein the said heirs and administrator are parties, or which may hereafter be instituted in any of the courts of this Commonwealth, under the direction of the court, wherein any such suit may be pending, to two or more persons chosen by the parties, or appointed by any such court; and the award and determination of such persons so chosen or appointed, or of a majority of them, when entered up as the judgment of the court, in which such appointment was made, shall be held and deemed conclusive between the parties; and any difficulty or dispute arising on any contract or contracts made by the ancestor of said heirs in his lifetime, and any person or persons whatever, may, when a statement in writing of any such difficulty or dispute, shall be made to the court having jurisdiction thereof,

Ad'mrs or guardians may arbitrate suits.

1834. be referred to arbitrators, chosen and appointed as herein before provided for; and the award of such arbitrators so chosen or appointed, or of a majority of them, shall be deemed and held conclusive between the parties.

Campbell circuit court may decree a sale of the real estate of the deceased.

SEC. 6. *Be it further enacted*, That whenever under this act or any part thereof, any court in this Commonwealth, shall, by its judgment or decree upon the awards of arbitrators or otherwise, direct the said administrator or heirs to pay to any person or persons any sum or sums of money, and the personal assets and annual profits of said estate shall not be sufficient to pay the same, it shall be lawful for said guardian to make the same known to the Campbell circuit court, by petition in writing, sworn to in open court, or before some justice of the peace for Campbell county, and filed in said court, which said petition shall set forth as high as may be, the situation of the estate of said heirs, the annual profits thereof, the amount of assets in said guardians or administrators hands, or which may then be under their control, and the amounts for which said administrator and heirs are bound, and which they have been adjudged or decreed to pay. And the said court shall have power, if to them it shall seem advisable, to direct a sale of any of the estate of said heirs, sufficient to pay and discharge the sum or sums of money aforesaid; and the said court shall require bond and security, to be executed before them in a sufficient penalty, to be fixed by said court, payable to the Commonwealth of Kentucky, and conditioned as herein before provided in the execution of a bond, by the petitioner praying for a sale of real estate belonging to said heirs.

Bond to be given by adm'r.

Courts to make allowance to commissioners and others.

SEC. 7. *Be it further enacted*, That the several courts herein named shall have power to make all reasonable allowances to any person or persons performing services under this act, and to provide how the same shall be paid; and may, in decreeing a sale of lands, provide for all costs and expenses accruing on sales, to be paid out of the proceeds thereof.

Power of arbitrators.

SEC. 8. *Be it further enacted*, That the arbitrators appointed or chosen under this act, shall have all the powers vested in arbitrators chosen and appointed under the general laws of this Commonwealth, and be governed thereby in their proceedings, except wherein otherwise provided for by this act.

(Approved February 22, 1834.)

CHAP. 462.—AN ACT to incorporate a Company to turnpike a road from Frankfort to Lexington, by way of Versailles.

1834.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be, and the same is hereby formed, for the purpose of making a road from the town of Frankfort to Lexington, by the way of Versailles, under the name and style of the Frankfort, Lexington, and Versailles Turnpike Road Company.

Company incorporated.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be seventy-five thousand dollars, divided into shares of one hundred dollars each.

Capital stock.

SEC. 3. *Be it further enacted*, That books for the subscription of stock in said company, shall be opened on the first Monday in April next, at Frankfort, Lexington, and Versailles, under the direction of the commissioners hereinafter named, that is: at Frankfort, under the direction of Jacob Swigert, Peter Dudley, Mason Brown, and Edward P. Johnson; at Lexington, under the direction of Richard Higgins, Thomas E. Boswell, Spencer Cooper, and Joseph Bruen; and at Versailles, under the direction of John McKinney, jun., William Barr, Noah Haydon, and Oliver Brown. The commissioners named at each of the before named places, shall procure one or more books, and in each of them enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president, managers, and company, of the Frankfort, Lexington, and Versailles Turnpike Road Company, the sum of one hundred dollars for every share of stock in the said company, set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, and agreeable to the act of the General Assembly of the Commonwealth of Kentucky to incorporate a company for making an artificial road from Frankfort to Lexington, by the way of Versailles. Witness our hands this _____ day of _____ 183_____."

Books for the subscription of stock to be opened.

The said commissioners shall give notice in one or more of the public newspapers published in Frankfort and Lexington, of the times and places where books shall be opened for the subscription of stock in said company; at which respective times and places some one or more of said commissioners shall attend, and permit

Com'rs to give notice.

Cc*

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Subscribers to
give their notes.

Calls when to
be made.

Books to be sent
to the com^{rs} at
Versailles.

If stock be tak-
en, a president,
managers, and
the officers to be
elected.

Powers of the
president and
managers.

all persons of lawful age, companies and bodies corporate or politic, who shall offer, to subscribe in said books, in their own names, or in the names of any other person who shall duly authorise the same, for any number of shares in the said stock. The said books shall be kept open by adjournment from time to time, until the whole number of shares are subscribed; of which adjournments, the said commissioners shall give such notice as the occasion may require: *Provided*, That every person subscribing in said books in his own name, or that of any other person, shall previously give to the attending commissioners their note, payable sixty days after the company shall be organised, and the president and managers elected, for the amount of ten dollars for every share to be subscribed; and no subscriber shall be bound to make, nor the president and managers power to call payments of stock, of more than ten dollars for every sixty days.

SEC. 4. *Be it further enacted*, That the commissioners aforesaid, after their respective books have been kept open for one month, send, as soon as practicable thereafter, the whole amount or number of shares subscribed on their respective books, to the commissioners at Versailles; whose duty it shall be, if it appears that four hundred shares have been subscribed, to give notice to the commissioners at each place where books have been opened, of the actual number of shares taken, and the number at each place; and likewise, as soon as may be thereafter, give at least sixty days' notice, in one or more of the public newspapers published at Frankfort and Lexington, that the number of shares required by the act of incorporation to organise the company, have been subscribed, and that an election will be held in the courthouse in the town of Versailles, to choose, by a majority of the votes of the subscribers, by ballot, to be delivered in person, or by proxy duly authorised, one president and ten managers, one treasurer, and such other officers they may think necessary to conduct the business of said company for one year, and until other such officers shall be chosen. The president and managers shall make such by-laws, orders, and regulations, not inconsistent with the laws of this state, as may be necessary for ordering the affairs of the company; and said company, when organized, shall be a body politic and corporate, in deed and in law, by the name of the President, Managers, and Compa

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ny of the Frankfort, Lexington, and Versailles Turnpike Road Company; and by the said name, the said company shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding the said capital stock, and the increase and profits thereof; and of enlarging the same, from time to time, by new subscriptions, in manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking, and holding to themselves, successors, and assigns, and of selling, transferring, and conveying, in fee simple, all such lands, tenements, hereditaments, and estate, real or personal, as shall be necessary for them in the prosecution, of their works; and of suing and being sued, impleading and being impleaded, answering and being answered, defending and being defended; and also to make, have, and use a common seal, and the same to break, alter, and renew at pleasure; and do all and every other matter and thing which a corporation or body politic may lawfully do.

SEC. 5. *Be it further enacted*, That the president and managers aforesaid, shall be governed in the location and construction of the aforesaid road, and in all other respects in regard to said road, by the provisions of the act incorporating the Maysville, Washington, Paris, and Lexington Turnpike Road Company, and the acts amendatory thereto, not contrary to the foregoing sections of this act; and shall have and charge the same rate of tolls, and be vested with all and every power vested in the president and directors of the said Maysville, Washington, Paris, and Lexington Turnpike Road Company, except that said road, as to the width of the pavement, shall be not less than fifteen feet.

To be governed by the charter of the Maysville, &c. road.

SEC. 6. *Be it further enacted*, That when the sum of fifty thousand dollars shall be subscribed in stock by individuals, and the same is certified to the Governor, he is authorised to subscribe the sum of twenty-five thousand dollars in stock in said corporation, on behalf of the Commonwealth of Kentucky; and whenever the president and managers of said corporation shall certify to the Governor, that any amount has been paid on behalf of the individual stockholders, the auditor is directed to draw on the treasurer, in favor of the said president and managers, for the like proportion, to be paid on behalf of the Com-

Stock to be subscribed on the part of the state

1834.

monwealth, from time to time, until the whole amount of the said subscription shall be paid; and the Commonwealth shall have the right to vote at all elections for president and managers, as other stockholders.

(Approved February 22, 1834.)

CHAP. 463.—AN ACT for the benefit of the Sheriff of Barren County.

Further time
given to return
delinquent list
of muster fines.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Barren county have the further time until the court of assessment for the year eighteen hundred and thirty-four, to return his delinquent lists of militia fines to the forty-fifth regiment of Kentucky Militia, which should have been returned to the court of assessment in the year eighteen hundred and thirty-three; and the said court is hereby directed to receive said delinquent list as if the same had been returned at the time required by law.

[Approved February 22, 1834.]

CHAP. 464.—AN ACT to provide for the payment of private property taken for public purposes.

Damages assessed may be deposited in the treasury if the person entitled thereto do not apply for the same.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in all cases where there has been, or shall be any inquest of damages by a jury, under any law of this commonwealth, for the condemnation of any land, timber, earth, gravel, or stone, or other materials, or any other property authorised by law to be condemned, it shall and may be lawful, if no application is made by the person or persons who may be entitled to the valuation assessed by any such jury, within ten days after any such inquisition shall have been returned to and confirmed by the proper court, to deposite the amount of such valuation in the treasury of this state, together with a copy of the proceedings under which said valuation was had; which said deposite shall entitle the person or persons, or any company for which the valuation was made, to the estate and interest thus valued, as fully as if the money had been actually paid to the person entitled thereto.

Sec. 2. *Be it further enacted,* That whenever the owner or owners of any such property thus valued, shall wish to receive the amount of such valuation, the auditor of public accounts shall draw his warrant in his, her, or their favor, for the amount thereof, which shall be paid by the treasurer.

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The auditor to issue his warrant on the treasurer in favor of the person entitled to the damages.

Sec. 3. *Be it further enacted,* That nothing in this act shall be construed so as to alter the mode of proceeding to condemn property authorised by law to be condemned, or to prevent the investiture of title in any company, by the payment or tender to the owner or owners of any such property so condemned, in the manner now prescribed.

Proviso.

[Approved February 22, 1834.]

CHAP. 465.—AN ACT for the benefit of the Devises and Heirs of Adam Link, deceased.

Whereas, it is represented to the present General Assembly of the Commonwealth of Kentucky, that Adam Link, at the time of his death, was possessed of a small tract of land in Fayette county, and one slave, which he devised to his widow during her widowhood; and that she and the heirs of said Link desire that the same may be sold: Therefore,

Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon a petition being presented to the Fayette circuit court, by the widow and heirs of said Link, praying for a sale of said estate, the said court may have and entertain jurisdiction over the subject, in the same manner, and subject to the same rules and regulations, as though the said Adam Link had died intestate; and the said court may distribute the proceeds of the sale of said estate amongst the widow and children of said Link, according to the right and justice of the case.

Fayette circuit court may decree a sale of land.

[Approved February 22, 1834.]

CHAP. 466.—AN ACT authorising the erection of a Bridge across Main Licking River, at or near its junction with the Ohio.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That William Hopkins,

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The company
incorporated.

George M. Southgate, James G. Arnold, William Bullock, Pliney Bliss, John A. Gordon, Henderson H. Phelps, William Caldwell, James Taylor, sen., James H. McClure, John B. Lindsey, Richard H. Southgate, George W. Doxon, Thomas Harris, and John W. Tibbatts, be, and they are hereby created a body politic and corporate, by the name of the Licking Bridge Company, for the purpose of erecting and constructing a permanent bridge across Licking river, from the town of Newport to the town of Covington; and they and their associates and successors shall continue and have perpetual succession, and by that name and style are hereby made as capable in law as natural persons to contract and be contracted with, to sue and be sued, to plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law or equity; and to make, have, and use a common seal, and the same to break, alter, or amend at pleasure: they shall also have the power to purchase and hold as much real estate as will be necessary for the site of said bridge, or the sites of the abutments, piers, toll houses, and suitable avenues leading to the same; also, to borrow money not exceeding the capital stock mentioned in this act, but not to have or exercise the privilege of loaning money, or issuing bills or notes on banking principles; also, the power to establish such by-laws, ordinances, and regulations, as shall be necessary for the well being and government of said corporation, not contrary to the laws of this Commonwealth, or those of the United States.

To hold property.

Not to bank.

Make by-laws.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall consist of fifteen thousand shares of five dollars each, to be subscribed for or sold in the manner hereinafter mentioned.

How subscribed

SEC. 3. *Be it further enacted*, That the persons before named, or a majority of them, shall cause a public advertisement to be made of the time and place of opening books for subscription of the stock of said company; which books shall be kept open, under the direction of said persons, or a majority of them, until two thousand shares are subscribed for. If, however, at the closing of the subscription, it shall be found that a greater number of shares than three thousand shall have been taken, then, and in that case, the persons before named, or a majority of them, shall proceed to reduce the number of shares in an equitable and just proportion among the subscribers, taking off from the

highest subscribers: and they shall have the right to demand and receive from any person subscribing for the stock of this company, a sum not exceeding three, nor less than one dollar on each share subscribed at the time of making the subscription; and no subscription shall be deemed valid unless such payment is made, if required by the conditions of subscription.

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Sec. 4. *Be it further enacted*, That when two thousand shares shall have been subscribed, the said persons, or a majority of them, shall advertise a meeting of the shareholders of said company at Newport, giving at least fifteen days previous notice of the time and place of each meeting; and the shareholders shall, thereupon, proceed to the election of a president and six directors, who shall be shareholders; and such of the before named persons who shall not then be shareholders, shall cease to be members of said corporation: and the said shareholders shall also proceed to fix what compensation the said president and directors shall be entitled to receive, if any be allowed; also to ordain and adopt any such by-laws for the permanent organization of said corporation, as they may deem needful; at which meeting, each shareholder shall be entitled to one vote for each share to the number of ten, and one vote for every five shares over ten, and not exceeding fifty; and one vote for every ten shares over fifty; and at all subsequent elections or general meetings of the stockholders, no shares shall be voted on that have not been held by the person claiming to vote, at least three months previous to the day of election or meeting; and that the shares in said company may be voted by proxies duly recorded, conforming to the foregoing regulations.

President and directors to be elected.

Sec. 5. *Be it further enacted*, That the president and directors first chosen shall hold their offices until the first Thursday in January ensuing such election, and until others shall be chosen in their places; and on the first Thursday in January in each year, the stockholders in said company shall meet at their office in Newport, or at some place to be designated by the president and directors, and then proceed to the election of a president and six directors, who shall be shareholders, and who shall hold their office for one year, or until their successors shall be elected—public notice of such meeting and election by the clerk or secretary in some public newspaper printed in this state, or in the

President and directors to be elected annually.

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city of Cincinnati, or by placing a notice thereof, in writing, at the door of the court-house in the town of Newport, at least fifteen days previous thereto. At the annual meetings, a statement of the affairs of the company shall be made out by the president and directors, and presented to said meeting, and such dividends of the profits declared, as may be deemed advisable.

Further powers
of president
and directors.

Sec. 6. *Be it further enacted*, That the concerns of said corporation shall be under the control, superintendence and management of the said president and directors; and the said president and three directors shall constitute a quorum to transact business; or, in the absence of the president, any four of the directors, one of whom shall act as president pro tempore. The president and directors, after they shall have been duly elected as aforesaid, may make such assessment on the shares subscribed, payable at such periods as they may deem advisable, with such conditions of forfeiture for non-compliance, not exceeding the amount of the stock delinquent, as they may deem proper. They are to open or receive the subscription for the shares not already subscribed, or sell them, and any forfeited shares, as they may think best for the company.

Clerk, treasurer,
&c. to be
appointed.

Sec. 7. *Be it further enacted*, That it shall be the duty of the president and directors to appoint a clerk or secretary, and cause a record of their proceedings to be kept; they may also appoint a treasurer and such other officers and agents as they may think needful for promoting said undertaking, and to allow them such pay or compensation as they may agree on; to make contracts, and to do all things necessary for carrying the same into immediate effect; and to require and take such bond, or other security, in their corporate capacity, from any person or persons they may so appoint or contract with: and in the event of the death, resignation, or vacancy from any other cause, of any president or director, the survivors, or a majority of them, shall supply the vacancy, until the next annual election, by the election of another shareholder.

May receive
deeds for the
site of the
bridge.

Sec. 8. *Be it further enacted*, That the said president and directors shall have the right to purchase or receive the conveyance or conveyances of a site for said bridge, or sites for the abutments and pillars of said bridge; and if they shall deem it advisable and advantageous for said company, one acre of land at each end of the bridge, over and above what is authorised to be purchased by the first section of this act.

Sec. 9. *Be it further enacted*, That the said permanent bridge shall be erected so as to permit steam vessels of the largest size and height to pass at the highest stage of water in the river; and no pier or pillar shall be built in the middle of the channel; and there shall be left, unobstructed by any pillar or pier, a distance of at least ninety feet on each side of the centre of the river, or of the channel of the river at its usual stage of water when the river is navigable, making in all one hundred and eighty feet free from obstruction: and when the said bridge is so erected and completed, the president and directors shall have the right to receive the following tolls, viz: For any person above seven years old, six and a fourth cents; for every horse, mare, colt or mule, six and a fourth cents; for every wagon, fifty cents; for every cart and team, twenty-five cents; for every riding carriage with four wheels, fifty cents; for every riding carriage with two wheels, thirty-seven and a half cents; for every head of neat cattle, two cents; for every head of sheep, goats, or hogs, one cent; for every hogshead of tobacco rolled or carried across, not being in a wagon, dray, or cart, twenty-five cents; for every dray, sleigh or sled, and team, twenty-five cents; which tolls shall be subject to alteration by the county court of Campbell county from time to time, a majority of all the justices of the county concurring therein: *Provided, however*, That the following persons shall pass free of toll on the following occasions, to wit: all public messengers and expresses; the citizens of Campbell county going to and returning from the courts of the said county during the sessions thereof; the voters of said county going to and returning from the elections on all days of elections in and for said county; and to collect the said tolls from all and every person or persons passing thereon, with their goods, carriages, or animals of every kind or description. Toll-gates may be kept and toll received at either end of the bridge, and the rates of toll shall be posted up at some conspicuous place where the toll is demanded.

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Manner in which the bridge is to be erected.

Tolls.

Sec. 10. *Be it further enacted*, That if any person or persons shall wilfully do any act or thing whatever, whereby the said bridge, or any thing thereto belonging, shall be injured or damaged, the said person or persons so offending, shall forfeit and pay three times the amount of the damage sustained, with costs of suit, recoverable before any court of competent or legal

Penalty for injuring the bridge.

1834. jurisdiction; and any person who shall pass, or attempt to pass said bridge without paying the toll, or tendering it, if there be any person present to receive it, shall forfeit and pay three times the amount of the toll or tolls which he, she, or they were liable to pay for passing said bridge, recoverable before any justice of the peace of this commonwealth; and further, if any person shall wilfully set fire to said bridge, or burn the same or any part thereof, such person or persons so offending, with his or their aiders or abettors, shall be guilty of arson.
- For passing without paying toll. **SEC. 11.** *Be it further enacted,* That certificates of stock in said company, shall be issued under the seal of the company, which shall designate the mode of transfer.
- Burning the bridge arson. **SEC. 12.** *Be it further enacted,* That said company shall be held liable and responsible, by an appropriate action, for all injuries sustained by boats, rafts of plank, timber, or other lumber, passing up or down Licking river, in consequence of the construction of said bridge: *Provided, however,* That the said company shall, at their own expense, employ and furnish pilots for directing boats or rafts under the bridge; and if any person navigating a boat or raft, shall refuse the aid of a pilot to be furnished by the company, then such boat or raft shall be considered as passing the bridge at the risk of the owners or navigators thereof; and the company shall, in no such case, be liable as aforesaid for any damage which may happen.
- Certificates of stock. **SEC. 13.** *Be it further enacted,* That it shall be the constant duty of said bridge company, from time to time, to remove all timber, or drift of any description, which may lodge either against the abutments or any pillar or pier; and if they fail herein, they shall be liable to a fine of ten dollars for every twenty-four hours it is suffered to remain, after allowing a reasonable time to remove the same, to be recoverable by indictment or presentment in the Campbell circuit court, in which a prosecutor shall not be necessary; and shall, moreover, be liable to any person sustaining any injury.
- Company to be liable for damage to boats, &c. **SEC. 14.** *Be it further enacted,* That if the owner or owners of any land necessary for the abutments or the site of said bridge, or for any road or roads leading from the said bridge at either end thereof, so as to connect the said bridge with the established streets of the towns of Covington and Newport aforesaid, or either of them, shall object to sell such land, or any part or
- Proviso.
- To remove drift.
- Site for the bridge and road to it may be condemned.

1834.

parts thereof, at such price or prices, unto the company aforesaid, as they, the said company, may think just and reasonable therefor, it shall be lawful for the said company to apply to the county court of Campbell county, for a writ in the nature of a writ of ad quod damnum, to issue, and be directed to the sheriff of said county, requiring him to summon twelve jurors, being freeholders residing in the said county of Campbell, and who are not residents of either of the towns aforesaid, by a certain day to be named therein, and who shall be disinterested and in nowise related, either by consanguinity or affinity, with either the applicants for the writ aforesaid, or any of them, or the owner of the land, defendant in said writ; and with the power to supply, by summons, other persons to act as jurors if necessary, qualified as aforesaid; which said jurors shall be sworn by some justice of the peace, well and truly, and according to evidence, to ascertain the value of the land applied for by said company, for the purposes, or any of them aforesaid: and naming in said writ the time and place when and where the inquest shall be taken, and giving reasonable notice to the owners aforesaid: whereupon, the said sheriff shall take the said inquest accordingly, and when taken, shall make return thereof to the next county court of the county aforesaid, who shall enter the same of record; and on the payment, by the company aforesaid, of the amount therein amerced by the said inquest, within one year from the return of the inquest aforesaid, the title to the land applied for shall be vested in said company and their successors; and the said county court, on said payment being made, shall direct a deed to be made therefor, by the defendant in said writ, to the said company and their successors; and if the same is not made at the time assigned in said order for the making thereof, the said court shall appoint a commissioner to make the same; which, when made, and approved of by the said court, shall pass the title accordingly: *Provided, however,* That if the owners of the land necessary for the site of the said bridge, shall elect, on the return of any such writ issued as aforesaid, to build the bridge, as herein before provided, at their own proper charge and cost, and to be subject to all and each of the provisions herein contained, they shall have the right to do so, and to take the tolls herein before allowed; and in the event of their electing to do so, such election shall be entered on the records of the county

Owners of the site may elect to build the bridge.

1834.

court aforesaid, and they shall be allowed one year from the time of such election as aforesaid made, to complete said bridge; and if within that time said bridge is not completed, then this proviso shall be considered null and void, and of no force or effect whatever: and on such failure, the said company shall not be required to pay to the owners aforesaid the sums awarded them as aforesaid, until the expiration of one year from the end of the time allowed to build said bridge.

The right to re-
peal this law
reserved.

Sec. 15. *Be it further enacted*, That the Legislature reserves the right to amend this charter so as to secure the navigation of Main Licking free from any injury.

[Approved February 22, 1834.]

CHAP. 467.—AN ACT to improve the road from Carlisle, Flemingsburg, &c. to the mouth of Big Sandy River,

Can.'s app'd.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Boyd of the county of Nicholas, Morton Green of the county of Fleming, Thomas Parker of the county of Lewis, and Bazel Warring of the county of Greenup, (any three of whom or their successors, shall have the power of performing the requisitions of this act,) shall be appointed commissioners, each of whom shall before he enters on the discharge of the duties required by this act, in the county court of the county in which he resides, enter into bond, payable to the Commonwealth of Kentucky, in the penalty of five thousand dollars, conditioned for the faithful performance of all the duties required by this act of him, with good and sufficient security, to be approved by said court.

To give bond.

Books of sub-
scription to be
opened.

SEC. 2. *Be it further enacted*, That it shall be the duty of said commissioners to open books of subscription, for the contribution of money or labor, to be expended in the repair and improvement of said road; that it shall be their duty in the reception of subscriptions of work, to estimate the same at fifty cents per day; and before they proceed to the duties herein after prescribed, they shall proceed to collect such sums of money as may be subscribed, and to take bonds with good security, for the faithful and punctual performance of the same, at such time and on such part of said road as the said commissioners may require.

SEC. 3. *Be it further enacted,* That so soon as the sums of money, so actually paid into the hands of the commissioners aforesaid, or their successors, and the sums secured as above, to be discharged in labor, at the rate aforesaid, shall amount in the whole to the sum of one thousand dollars, that they shall certify that fact to his Excellency the Governor, who shall thereupon direct the Auditor to issue his warrant on the Treasury in favor of said commissioners for the sum of four thousand dollars, to be expended in connection with the foregoing sum raised by subscription as aforesaid, in the repair of said road from Carlisle, in Nicholas county, to the mouth of Big Sandy, in Greenup county, under such regulations, and in such proportions as may best promote the public interest.

1834.

After subscriptions are obtained.

An appropriation from the treasury.

SEC. 4. *Be it further enacted,* That so soon as said repairs as provided for in the previous section shall be made, the said commissioners shall proceed to settle upon the most eligible point on said road, between the town of Carlisle and the mouth of Big Sandy, to erect a turnpike gate, and appoint a gate keeper, who shall receive the following rates of toll for passing the same: for each person, (except post-riders, expresses, women, and children under ten years of age,) six and a fourth cents; for every horse, mare or mule, six and a fourth cents; for every two wheeled carriage, twenty-five cents; for every four wheeled carriage, fifty cents; for every head of neat cattle, going to the eastward, three cents; and if any person shall forcibly pass, or attempt to pass said gate without paying the tolls aforesaid, or directly or indirectly avoid or attempt to avoid it, he or they shall forfeit and pay ten dollars for such offence, recoverable before any justice of the peace by warrants, in the name of the commissioners.

Turnpike gate to be erected.

Tolls.

SEC. 5. *Be it further enacted,* That before the said keeper enters upon the duties required by this act, the said commissioners shall cause him to enter into bond, to them and their successors in office, in the penalty of two thousand dollars, with good and sufficient security, conditioned for the faithful discharge of his duty, the collection of tolls herein imposed, and the payment of the proceeds thereof to said commissioners on request; and the said bond, when taken, shall, by said commissioners, be deposited in the clerk's office of the Lewis county court, and for any breach of the conditions thereof, suit may be brought by the said commissioners.

Keeper of the gate to give bond.

1834. and their successors, in the circuit court of any county, in which any of the obligors may be found.

Tolls to be laid out in repairing the road.

SEC. 6. *Be it further enacted*, That it shall be the duty of said commissioners as fast as the tolls aforesaid may be received, to cause the same to be laid out in the continued repair and improvement of said road; excepting the sum to be employed in procuring a gate keeper, which shall not exceed one hundred dollars per annum.

Vacancy in com'rs, how filled.

SEC. 7. *Be it further enacted*, That whenever, and as often as the office of either of the commissioners shall become vacant, by resignation or otherwise, the county court of the county in which said vacancy shall occur, shall appoint a successor, and take bond as above directed, so that there shall be one commissioner in each county through which the road passes.

Com'rs to take oath.

SEC. 8. *Be it further enacted*, That the said commissioners and gate keeper shall, before they enter upon the duties of their office, make oath before the county court in which they may execute bond as required by this act, that they will well, truly and faithfully perform all the duties required of them by this act.

Com'rs may change the road

SEC. 9. *Be it further enacted*, That said commissioners shall have the power of making any alteration in the location of said road, where such alteration will in their opinion be calculated to better the condition and shorten the distance of it, upon condition that they shall first obtain permission from the owner or owners of the land, or his, her or their agent.

The road to be kept in good repair.

SEC. 10. *Be it further enacted*, That the said commissioners are hereby directed to have said road in good repair for horses, wagons and carriages by the erection of bridges and causeways, and digging down the hill sides, where said road goes on sideling ground, so as the water shall run on the upper side of the road.

Gate keeper may be removed.

SEC. 11. *Be it further enacted*, That the gate keeper shall be subject to removal at the pleasure of the commissioners, and that the commissioners shall be subject to removal by the county court of the county in which they shall live: *Provided, however*, That they shall have at least ten days notice of any application for their removal: *And provided, further*, That there shall be a majority of all the justices of the peace present, when said trial shall be had, and a majority of whom shall concur in the removal.

Proviso.

Sec. 11. *Be it further enacted*, That the said commissioners shall receive at the rate of seventy-five cents per day, for every day they may be actually employed in the execution of the duties required of them by this act. 1834
Comr's pay.

Sec. 13. *Be it further enacted*, That so soon as may be after the passage of this act, the courts of the several counties through which the said road runs, shall proceed, and are hereby required to lay off the said road into road precincts, and appoint surveyors in each, agreeably to the general laws now in force in relation to roads. County courts to lay off road into precincts and appoint overseers.

Sec. 14. *Be it further enacted*, That it shall be the duty of the several surveyors of roads whose precincts may embrace any portion of said road, to call out the persons in their several precincts, liable to work on roads, and cause them to labor on said road at least three days in each year, and oftener if necessary; and for a failure to do so, shall be liable to presentment and fine, as they are now liable for failing to keep their respective roads in good order. Overseers, &c., to work on the road. Penalty on overseers.

(Approved February 22, 1834.)

CHAP. 468.—AN ACT for the benefit of the Sheriff of Muhlenburg County.

Whereas, it is represented to the present General Assembly, that David Short, sheriff of Muhlenburg county, failed, on account of sickness, to give bond as required by law for the collection of the revenue and county levy: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said sheriff of Muhlenburg county, shall be allowed to execute the usual bonds of his office for the collection of the revenue and county levy, at the next March or April term of the Muhlenburg county court, which bonds, when so executed, shall be as valid, and have the same effect, as if they had been regularly executed at the proper time required by law.

(Approved February 22, 1834.)

1834.

CHAP. 469.—AN ACT for the benefit of William M. Brake, and others.

Recital.

Whereas John Brake and Rebecca Sewell of Cumberland county, have represented to the present General Assembly, that they are the parents of an only child, a natural born son, called and known by the name of William M. Sewell, which child they are desirous to legitimate as far as practicable, by giving to the said William all the rights and privileges of inheritance in and to their several estates, in the same manner and to the same extent as if he were their lawful issue and heir at law, requesting that the said William M. Sewell be called and known in future by the name of William M. Brake: Therefore,

William M. Sewell legitimated by the name of Wm. M. Brake.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter the said William M. Sewell shall be styled, called and known by the name of William M. Brake, and not William M. Sewell as heretofore.

With the right to inherit the estate of his parents.

SEC. 2. *Be it further enacted,* That the said William M. Brake shall have, possess and enjoy all the rights of inheritance in and to the estate of the said John and Rebecca, severally, as well real as personal, which he might or could derive, possess or enjoy from his parents, were he their lawful issue, born in lawful wedlock.

[Approved February 22, 1834.]

CHAP. 470.—AN ACT for the benefit of Isabella Rowland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore entered into between Isabella Rowland and Samuel Rowland be dissolved and held null and void, so far as it regards the said Isabella Rowland, and that she be restored to all the rights and privileges of a *feme sole*.

(Approved February 22, 1834.)

CHAP. 471.—AN ACT for the benefit of the Constables of Scott County.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be

lawful for the county court of Scott, at their annual court of assessment, to levy a sufficient fund to compensate constables for arresting and carrying before a justice or justices of the peace, slaves, for riots, breaches of the peace, or other misdemeanors, a sum not exceeding fifty cents for each slave so taken.

1834.

County court of Scott authorised to levy a sum of money to pay constables, &c.

Sec. 2. *Be it further enacted*, That it shall and may be lawful for said court to make a like allowance for such services rendered in the year eighteen hundred and thirty-three.

And to make allowance for services in the year 1833.

[Approved February 22, 1834.]

CHAP. 472.—AN ACT to amend the several laws establishing and regulating Towns in this Commonwealth.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever any city or town in this commonwealth shall be situated upon or near any river or navigable stream, and there shall be intervening between said city or town and said river or navigable stream, any land or piece of ground belonging to, or which may be claimed by any individual or individuals, company or corporation, it shall and may be lawful for the mayor and council of such city, or trustees of such town so situated, to cause the streets of said city or town leading towards said river or navigable stream, to be opened and extended to the low water mark thereof.

The streets or alleys of towns or cities situated on navigable streams may be extended by the authorities thereof, to low water mark.

Sec. 2. *Be it further enacted*, That it shall and may be lawful for the mayor and aldermen of such city, and for the trustees of such town, to prefer a petition to the county court of the county in which said city or town may be situated, praying that the streets of said city or town, or so many thereof as they shall deem necessary, may be opened and extended to the low water mark of said river or navigable stream: whereupon, it shall be the duty of said county court to order a summons to issue to the proprietor or proprietors of the land or piece of ground through which said streets may be proposed to be opened and extended, if they be found within the county; and if not, then to his or her agent, if any they have, to show cause why said street or streets shall not be so opened and extended: upon the return of any such summons, if any proprietor or agent shall so desire, the said court

The town or city authorities may petition the county c't. to open the s'd streets or alleys

A summons to be awarded against the owners of the ground, &c.

1834.

A writ of *ad quod damnum* may be awarded to assess damages.

Inquest to be held by the sheriff.

Inquest to be returned to the county court.

Who may order the streets or alleys to be opened upon the payment of the damages, &c.

shall order their clerk to issue a writ in the nature of a writ of *ad quod damnum*, to be directed to the sheriff of said county, commanding him to summon and empanel twelve good and discreet freeholders of the vicinage, none of whom shall be citizens of said city or town, or owners of property therein, to meet on the ground through which the said street or streets may be proposed to be conducted, and on a certain day to be named by the court, and inserted in said writ, of which notice shall be given by the sheriff to the proprietors or their agents, as before directed, if they were not present in court at the time of the making of the order; which freeholders shall be charged by the said sheriff impartially and to the best of their skill and judgment, to view the land or ground through which the said street or streets may be proposed to be conducted, and say what damage it will be of to the proprietor or proprietors who desired such writ, taking into estimation as well the use of the land or pieces of ground to be occupied for said street or streets, as also the damage or injury the opening and extending of said streets may be to the property through which they may pass. And if the said inquest cannot be completed in one day, the sheriff shall adjourn the said jurors from day to day until the same be completed; which inquest, sealed by the said jurors, together with the writ, shall be returned to the court; who, thereupon, shall direct said street or streets to be opened and extended as applied for, upon the mayor or aldermen of such city, or the trustees of such town, paying or causing to be paid the damages so found and the costs of said inquest, in open court, to the clerk thereof; which damages and costs the court shall direct to be paid to those respectively entitled thereto: but if the said jury shall be of opinion that no damages shall be awarded, to the person or persons opposing the opening and extending of said streets, the costs of said inquest shall be adjudged against the person or persons so opposing.

(Approved February 22, 1834.)

CHAP. 473.—AN ACT to prevent the sale of growing crops.

No growing crop permitted to be sold under execution for

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That no growing crop of any sort or description, shall, until it be severed from the land,

be subject or liable to be taken and sold by virtue of any execution which may issue on any judgment or decree founded upon any contract, duty, or liability, made, entered into, or incurred after the passage of this act: *Provided, however,* That nothing herein contained, shall prevent any growing crop of corn which may be upon and not severed from the land after the first day of October in any year from being taken and sold under execution, as heretofore; nor prevent any interest which the defendant in execution may at any time have in the growing crop from passing to the purchaser under sale by execution, if at the time of sale the defendant has an estate in the land on which the crop is growing, liable to execution, and that estate be taken and then sold.

1834.

debts hereafter contracted until severed from the land.

Proviso.

Further proviso

(Approved February 22, 1834.)

CHAP. 474.—AN ACT to establish an Election Precinct in Garrard County.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be, and is hereby established in the county of Garrard an election precinct, which shall be included in the following bounds, viz: Beginning at Wallace's mill on Paint Lick creek, thence with the road leading to Lancaster to Back creek at Yates' mill, thence up Wooley's or the west fork of Back creek to the mouth of the creek, running through the farm of Henry Terrill, thence up said creek to the head thereof, thence a straight line to the Big road at Perkins' horse-mill, thence with said road to the Lincoln county line, thence with the Lincoln, Rockcastle, and Madison county line to the beginning.

Boundary of the precinct.

Sec. 2. *Be it further enacted,* That the qualified voters in said precinct may vote at the storehouse of Thomas Kennedy, and that it shall be the duty of the county court of Garrard to appoint officers to conduct all elections to be held at said precinct, according to the laws of this commonwealth regulating elections.

Place of voting therein.

Judges and clerk to be appointed to conduct the elections.

[Approved February 22, 1834.]

1834.

CHAP. 475.—AN ACT to provide for the payment of subscriptions and appropriations to objects of internal improvements.

Funds pledged.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the proceeds of the stock owned by the Commonwealth in the Bank of Kentucky and the Bank of the Commonwealth of Kentucky, and the proceeds of the public lands in the district west of the Tennessee river, be, and the same are hereby pledged, set apart, and appropriated, for the purpose of paying the subscriptions that have been, or may be authorised by law, on behalf of the commonwealth, in joint stock, turnpike road, and bridge companies, and such appropriations as have been, or may be made by law, to be paid out of the public treasury, for the improvement of roads, the navigation of rivers, and the construction of bridges.

Order in which payments are to be made.

Sec. 2. *Be it further enacted*, That each and every subscription or appropriation as aforesaid, shall be paid out of the funds hereby pledged, appropriated, and set apart for that purpose, and none other, and shall be paid in the order of time in which it has been or may be subscribed or appropriated: *Provided, however*, That the notes on the Bank of the Commonwealth shall not be issued for or applied to the payment of any such subscriptions or appropriations.

Com'lth bank notes not to be issued.

[Approved February 22, 1834.]

CHAP. 476.—AN ACT to turnpike the stage road from Lexington to Nashville, where it passes over Muldrow's Hill.

Appropriation.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of twelve thousand dollars be, and the same is hereby appropriated for the purpose of improving the Lexington and Nashville road over Muldrow's hill, and that General James Allen and Henry Sanders, of Green county, Daniel Singleton and Benedict Spalding, of Marion county, be, and they are hereby appointed commissioners to cause the improvements to be made contemplated by this act.

Comm'rs appointed.

The work, how to be done.

Sec. 2. *Be it further enacted*, That said commissioners, in making said improvements on said road, shall first cause the road over said hill, commencing at the

foot thereof on the north side thereof, to be well McAdamised on both sides thereof; then they shall cause the hill near to James Sanders' to be McAdamised in like manner; and the residue of the sum hereby appropriated, shall be laid out in turnpiking the road between said hills, and to the Rolling fork from the principal hill.

1834.

SEC. 3. *Be it further enacted*, That said commissioners, or such of them as shall undertake the duties imposed by this act, shall, in the county court of Green county, enter into bond to the justices of the said court and their successors in office, with good security, to be approved of by said court, in the penalty of twenty-four thousand dollars, conditioned for the faithful performance of the duties imposed by this act, and to account for all moneys that shall come to their hands under this act, to said court, when required to do so; and an action shall lie on said bond, in favor of said justices and their successors, against the obligors therein, from time to time, for any and all breaches of the conditions thereof.

Com'rs to give bond.

SEC. 4. *Be it further enacted*, That said commissioners, or a majority of those who may enter into bond according to the provisions of this act, may draw their warrants on the auditor of public accounts for the sum of six thousand dollars, at any time after the passage of this act; and the auditor shall draw a warrant on the treasurer for the like sum in favor of said commissioners, which warrant the treasurer is required to pay to the bearer thereof. But before the auditor shall draw on the treasurer to pay any warrants drawn by said commissioners under this act, they shall first be satisfied that said commissioners have entered into bond agreeably to this act.

Com'rs to draw warrants on the auditor.

SEC. 5. *Be it further enacted*, That said commissioners, after the work herein contemplated has been put under contract, may draw for the remaining sum of money hereby appropriated, from time to time, as they may need it; and the auditor is hereby required to audit such drafts, and draw his warrants on the treasurer in favor of said commissioners for the same.

Money to be drawn as needed.

SEC. 6. *Be it further enacted*, That said commissioners shall settle and state their accounts with the Green county court once in six months, and shall state the moneys received and disbursed; and said court shall make them such allowance for their services and trouble as they shall think proper.

Com'rs to settle their accounts.

1834.

Notice of letting
out the work to
be given.

Sec. 7. *Be it further enacted*, That said commissioners, in letting out said work, shall cause one month's notice of the time and place of letting out the work to be published in some public newspaper of this state.

Funds out of
which the mo-
ney is to be
paid.

Sec. 8. *Be it further enacted*, That the sum of money hereby appropriated, shall be paid out of the funds provided by an act of Assembly, passed at the present session, entitled, "an act to provide for the payment of subscriptions and appropriations to objects of internal improvements."

Toll gate to be
erected and
keeper appoint-
ed.

Keeper to give
bond.

Rates of toll.

Gate keeper to
settle his ac-
counts.

Liabie on his
bond.

Sec. 9. *Be it further enacted*, That so soon as the said commissioners hereby appointed, shall have caused the said hill to be turnpiked, the county court of Green county shall cause a toll gate to be erected thereon, at the top of said hill across said road, and shall appoint a gate-keeper—who shall, before entering upon the duties of keeper enter into bond to the Commonwealth of Kentucky, in said Green county court, with good security, in the penalty of one thousand dollars, conditioned faithfully to discharge the duties of keeper, and to pay half-yearly, the tolls by him received on said road, into the public treasury: and the said keeper shall charge and receive the same tolls on said road as are now by law charged on the Maysville and Lexington turnpike road.

Sec. 10. *Be it further enacted*, That the county court of Green county shall require said keeper, once in every six months, to state and settle his accounts with said court for the amount of tolls by him received, and shall make him annually, or half-yearly, an allowance for his services as keeper; and said court shall, half-yearly, certify to the auditor of public accounts the amount due from such keeper, which sum he shall pay into the treasury, and take the receipt of the treasurer therefor: and the said keeper and his securities shall be liable, on his bond, for any and every breach of the condition thereof, by suit in the circuit court of Green county, or any other circuit where they may reside or be found, in the name and in behalf of the Commonwealth of Kentucky.

[Approved February 22, 1834.]

CHAP. 477.—AN ACT for the benefit of William Samuels, late sheriff of Nelson County, and for other purposes.

1834.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the late sheriff of Nelson county, William Samuels, and his deputies, be allowed the further time of twelve months to return the delinquent list of said county, for muster fines, for the year 1831, collectable in 1832, and that the next annual courts of assessment, for the second, twenty-seventh, and sixty-second regiments, shall receive and allow the said delinquent lists, in the same manner as though they had been returned to the proper courts in due time.

Further time given the late sheriff of Nelson county to return delinquent list of muster fines.

SEC. 2. *Be it further enacted,* That the sheriff of Bath county shall have until the first day of April next to settle with the paymaster of the sixty-fifth regiment of Kentucky Militia, for the fines collected by him belonging to said regiment, in the year 1833.

To the sheriff of Bath.

Sec. 3. *And be it further enacted,* That the paymaster of said regiment shall have until the tenth day of April next, to settle with the field officer of said regiment; and said settlements, when made, shall be as good and valid, to all intents and purposes, as if they had been made at the time now prescribed by law; and it shall be the duty of the colonel of the sixty-fifth regiment to cause a copy of the settlement made with the paymaster, to be returned to the next county court of Bath county after making the same; which, if approved by said court, shall be recorded in the clerk's office thereof, as now directed by law.

Further time given to the paymaster of the 56th regiment to settle with the Col.

(Approved February 22, 1834.)

CHAP. 478.—AN ACT to amend the act to incorporate the Rolling fork Bridge Company, approved December 2, 1831, and to authorise the construction of a Bridge across big Barren River.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the President, Directors and company of the Rolling fork bridge company, incorporated by an act of the General Assembly, approved December 2, 1831, shall not be compelled to build said bridge more than ten feet above high water mark, any thing in said act to the contrary notwithstanding.

Height of the Rolling Fork bridge.

1834.

Subscription
for stock on the
part of the
state authoris-
ed.

SEC. 2. *Be it further enacted*, That the Governor of this Commonwealth shall, and he is hereby directed to subscribe and pay out of the funds provided by an act of Assembly, passed at the present session, entitled an act to provide for the payment of subscriptions and appropriations to objects of internal improvements, in the name and on behalf of the Commonwealth of Kentucky, two thousand dollars in the stock of the said Rolling fork bridge company, upon the following terms and conditions, viz: whenever two thousand dollars of said stock is subscribed by individuals, and actually paid to the commissioners for receiving subscriptions, and so certified by said commissioners to the Governor, then the Governor shall subscribe one thousand dollars; and whenever an additional sum of two thousand dollars is subscribed and actually paid as aforesaid, and certified as aforesaid, then the Governor shall subscribe one thousand dollars more: *Provided, however*, That unless the several sums herein specified shall be so subscribed and paid in within eighteen months from the passage of this law, then this act shall be, and the same is to be regarded as inoperative and void.

Proviso.

Barren and Al-
len county
Bridge compa-
ny incorporated

SEC. 3. *Be it further enacted*, That Walter Thomas, George W. Mansfield, Robert S. Pullum, Johnson J. Cockerill and Jonas Brown, of Allen county; Geo. M. Pryor, George W. Page, Hardin Davis, Joshua Wheeler and Thomas Winn, of Barren county, shall be, and they are hereby created a body politic and corporate, in deed and in law, for the purpose of erecting a permanent bridge across big Barren river, on the stage road leading from Glasgow in Barren county, to Scottsville in Allen county. The company hereby created, shall be styled and known by the name of "The President, Directors and Company of Barren and Allen County Bridge Company," and shall have perpetual succession, and be capable of taking and holding as tenants in common, their capital stock, and the increase and profits thereof; and also such lands and tenements as shall or may be necessary for carrying into effect their plan for a permanent bridge; and by their corporate name and style, may sue and be sued, contract and be contracted with, and enjoy all the privileges incident to a corporation. The capital stock of the company shall be three thousand dollars, divided into shares of one hundred dollars each, for which, when the bridge is completed, the President

Capital stock.

and directors shall issue scrip to the holder, which shall pass by assignment and delivery.

1834.

SEC. 4. *Be it further enacted*, That the persons named in this act, shall cause books of subscription to be opened at Glasgow and Scottsville, and keep them open as long as they may think proper; and whenever a sufficient number of the shares of said stock shall be taken, they may cause a meeting of the shareholders, and give them notice of the time and place of meeting; at which meeting, the shareholders shall choose a President and four directors, to manage the affairs of the company. The President and directors shall remain in office until the first Monday in May next succeeding their election, and until their successors are elected, which may be done once each year, on the first Monday in May. And each share shall entitle the holder to have one vote for every share, and the owner or owners may vote by himself or agent authorised in writing.

Stock, how subscribed.

President and directors to be chosen.

SEC. 5. *Be it further enacted*, That the county courts of Allen and Barren, in their corporate capacity, may subscribe and take stock in said company, in behalf of their respective counties, and appoint some person from time to time to vote on the stock of their respective counties.

County courts of Allen and Barren may subscribe stock.

SEC. 6. *Be it further enacted*, That the bridge to be built by the company, shall be built out of durable materials of sufficient strength, to be permanent, and at least twelve feet above high water mark, and so as not to obstruct the free navigation of said river, leaving at least sixty feet between any pillars that may be located in the channel of said river.

How the bridge is to be built.

SEC. 7. *Be it further enacted*, That when said bridge shall be completed, it shall be lawful for the company to appoint a bridge keeper for receiving toll, and collect and receive of, and from all and every person or persons using said bridge the following rates of toll, viz: for every twenty head of sheep or hogs, six and one fourth cents; for every head of cattle, two cents; for every horse or mule, laden or unladen, with rider or leader, four cents; for every sulky, chair or chaise, with one horse and two wheels, nine cents; and with two horses, twelve and a half cents; for every chair, coach, phaeton, chaise, stage, wagon, coachee, or light wagon with two horses and four wheels, sixteen cents; for either of the carriages last mentioned, with four horses, twenty-five cents; for every

Bridge keeper to be appointed

Tolls.

1834.

sleigh or sled, three cents; for each horse drawing the same, three cents; for every cart or other carriage of burden, five cents; for each horse drawing the same, and for each person, two cents; and they shall have power to stop any person or property passing said bridge, until the toll is paid as hereby authorised.

Stock, how paid
by stockholders.

SEC. 8. *Be it further enacted*, That the President and directors shall have a right to make such calls on the stockholders for payment of instalments on their stock, as shall be necessary in the progress of their work, to meet their contracts; and the President and directors shall keep a record of their proceedings, and make half yearly dividends of the nett profits derived from tolls.

Dividends.

Subscription of
stock by the
state authoris-
ed.

SEC. 9. *Be it further enacted*, That so soon as the stock amounting to two thousand dollars, is taken by the county courts of Barren and Allen, or taken and paid in by individuals, so as to secure the sum of two thousand dollars of said stock from individuals and corporate stockholders, and the same is certified by the county courts of Barren and Allen to the Auditor of public accounts, then, and in that case, the Governor of this Commonwealth is hereby requested to subscribe on, and in behalf of the Commonwealth, one thousand dollars as stock in said company, which when subscribed shall be authority to the Auditor to issue his warrant on the Treasury on behalf of said company, for the payment of the same, out of the funds provided by an act of Assembly, passed at the present session, entitled, an act to provide for the payment of subscriptions and appropriations to objects of internal improvements: *Provided, however*, That unless the stock is taken in eighteen months after the passage of this act, this act shall be inoperative and void.

[Approved February 22, 1834.]

CHAP. 479.—AN ACT to allow the County of Morgan an additional justice of the peace, and for other purposes.

An additional
justice and con-
stable allowed
to Morgan city.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional justice of the peace, and one additional constable be allowed the county of Morgan; the constable at the time of his appointment shall reside at Black water creek; that there shall be allowed one additional justice of the peace to the county of Pike.

And one jus-
tice to Pike.

(Approved February 22, 1834.)

CHAP. 480.—AN ACT to prevent the burning of woods in certain counties.

1834

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That if any free person or persons shall hereafter intentionally set on fire any part of the woods within the counties of Perry, Clay, Whitley, Bullitt, Floyd, Pike, Morgan or Knox, whereby the leaves and shrubbery shall become burned, he or they so offending shall be deemed guilty of a misdemeanor, and shall forfeit and pay the sum of forty dollars, to be recovered by presentment of the grand jury; and all fines and forfeitures recovered under the provisions of this act, shall be applied to the lessening of the county levy, and be accounted for as other fines are.

Penalty on a free white person for setting fire, intentionally, to the woods in certain counties.

How recovered and applied.

SEC. 2. *Be it further enacted*, That if a slave or slaves shall offend against the provisions of this act, he or they shall be punished by any number of stripes, not exceeding thirty-nine, to be inflicted by the order or judgment of any justice of the peace, in the county in which the offence shall have been committed.

Penalty on a slave for that offence.

[Approved February 22, 1834.]

CHAP. 481.—AN ACT authorising the appointment of clerks in vacation.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That when any vacancy shall hereafter occur in the office of clerk of any of the circuit courts of this Commonwealth, by death, resignation or otherwise, during the vacation of said court, it shall be the duty of the judge, who presides in said court, within twenty days after such vacancy may occur, to open court at the Court-house of the county in which the vacancy may be, and then and there appoint a clerk pro tem, who shall hold his office until the end of the next succeeding term of said court, unless removed, as now provided for by law in case of other circuit court clerks; and at the said first term, the court may, at its discretion, either confirm the said pro tem appointment, or appoint some other qualified person to fill said office as now required by law.

When the office of clerk of any circuit court becomes vacant by death, the judge of the court authorised to hold a court for the appointment of a clerk pro tem, to hold the office until the end of the succeeding term when a permanent appointment is to be made.

SEC. 9. *Be it further enacted*, That when any person shall be appointed clerk pro tem, in pursuance of the provisions of the foregoing section, it shall be the

The clerk pro tem. to execute an official bond and take an oath of office.

1834.

duty of the person thus appointed, before he takes possession of said office, to execute bond, payable to the Commonwealth of Kentucky, in the penalty of five thousand dollars, conditioned for the faithful performance of the duties of said office, with such security as the said judge may approve, which bond shall be executed before the judge in court, or before some justice of the peace, residing in the county where said vacancy may have occurred, and shall be forthwith lodged by said justice, if executed before him, with the clerk of the county court of said county, who shall record the same.

SEC. 3. *Be it further enacted*, That the person thus appointed clerk pro tem, shall, before he enters upon the duties of said office, take an oath before the court, truly and faithfully to perform said duties to the best of his ability.

When the clerk of a court dies two justices of the peace authorised to take possession and charge of the office until a successor is qualified.

SEC. 4. *Be it further enacted*, That when any vacancy shall hereafter occur in the clerk's office of any county or circuit court in this Commonwealth, it shall be the duty of two justices of the peace, residing nearest to said office to take possession of the same, to close the doors thereof, and securely keep all the records, papers and other things appertaining to said office, until some person is duly appointed and qualified thereto, to whom said justices shall deliver the same.

[Approved February 22, 1834.]

CHAP. 482.—AN ACT to change the time of holding the Laurel Circuit Court, and for other purposes.

The Laurel circuit court, when to be held

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the circuit court of Laurel county, after their spring term, shall commence and be held on the Wednesdays before the second Mondays in March, June and September in each year, and continue four juridical days if the business require it.

Clay county courts to be held on the 1st Mondays of each month.

SEC. 2. *Be it further enacted*, That the Clay county court shall hereafter be held on the first Mondays in each month in which the circuit courts are not held in said county, instead of the fourth Mondays, as is now required by law.

[Approved February 22, 1834.]

CHAP. 483.—AN ACT to legalize the proceedings of the County Court of Livingston at their February term, 1834.

1834.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proceedings of the county court of Livingston, at their February term, 1834, in taking bond from the sheriff of said county for the collection of the revenue, be, and the same is hereby legalised and made valid, as if the same had been taken at the January term, 1834.

The proceedings of said court in taking a bond from the sheriff for the collection of the revenue, legalised.

[Approved February 22, 1834.]

CHAP. 484.—AN ACT for the benefit of John Holt, Sen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the land office be required to issue a land warrant, in the name of John Holt, for fifty acres of land, to be located on any vacant and unappropriated land in Whitley county, and upon platt and certificate, shall issue a patent free of charge.

[Approved February 22, 1834.]

CHAP. 485.—AN ACT to declare Rockcastle Creek a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Rockcastle creek in Lawrence county, be, and the same is hereby declared a navigable stream from the mouth thereof, to the first forks below Crums' mill.

[Approved February 22, 1834.]

CHAP. 486.—AN ACT to repeal the fourth section of an act, entitled, an act further to regulate the Wilderness and Turnpike Road, approved the 11th January, 1830, and to provide for the appointment of overseers on said road, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the fourth section of an act, entitled, an act further to regulate the Wilderness and Turnpike road, approved 4th Section of the act of 1830 repealed.

1834. January 11, 1830, as relates to the Madison and Crab Orchard Roads, be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That the Madison county court shall have power to appoint one overseer for that part of the road from the foot of the big hill to Silas Newland's, where the toll gate is now kept. The county court of Rockcastle shall appoint one overseer to work on said road from said Newland's to the Laurel county line. The county court of Laurel county shall appoint one overseer to work on said road from the Rockcastle county line to Lot Pitman's, and another to work from Lot Pitman's to the Rockcastle line on the Crab Orchard road; and the Rockcastle county court shall appoint one overseer to work from the Laurel county line to the Crab Orchard. The appointments authorised shall be made when a majority of the justices of the respective counties shall be present and concur therein.

The county c'ts of Madison, Rockcastle and Laurel to appoint overseers for different sections of the road

A majority of the court to concur.

Commissioners appointed to divide the tolls received among the overseers to be appled to working the road.

Allowance to the commissioners.

The county c'ts of Laurel and Clay to appoint overseers on other parts of s'd road.

The tolls to be equally divided between the overseers.

All persons concerned to be governed by the act of 1830.

SEC. 3. Be it further enacted, That Lot Pitman, of Laurel county, Robert Langford, of Rockcastle county, and Thomas Francis, of Madison county, be, and they are hereby appointed commissioners to examine and view the before mentioned roads, any two of them to say and determine, on oath, what proportion of the money received by the gate-keepers, shall be paid to the several overseers to be appointed by this act; and the said commissioners shall each receive for every day they may be engaged in viewing the said roads, one dollar, to be paid out of the tolls received at said gates.

Sec. 4. Be it further enacted, That the Laurel county court shall appoint one overseer to work on said road from the Crab Orchard road to the Clay county line; and the county court of Clay county shall appoint one overseer to work on said road from the Laurel county line to the Goose Creek salt works; and the gate-keeper shall pay over to each overseer on said Salt works' road an equal proportion of money, agreeable to the number of miles they work on said road.

Sec. 5. Be it further enacted, That the several county courts, the gate-keepers, the overseers to be appointed by this act, and all others, shall, in every particular and respect, be governed and controled in the discharge of their duties and rights by the before mentioned act, approved January 11, 1830, except so far as this act changes and repeals said act.

Sec. 6. *Be it further enacted*, That the over-
to be appointed by this act, shall reside on the same
road they are directed to work on, or within one mile
of the same.

1834.

[Approved February 22, 1834.]

mechanics and
ers of said
on lots
dids
their

CHAP. 487.—AN ACT to repeal an act, entitled, "an act for the
benefit of the Boone Academy," approved January 2, 1833.

Sec. 1. *Be it enacted by the General Assembly of the
Commonwealth of Kentucky*, That the second section
of an act, entitled, "an act for the benefit of the
Boone Academy," approved January the 2d, 1833, be,
and the same is hereby repealed.

2d Sec. of the
act of 1833 re
pealed.

Sec. 2. *Be it further enacted*, That the laws regula-
ting the application of fines and forfeitures in the
county of Boone, which existed at the passage of the
above recited act, are hereby revived and declared to
be in force from and after the passage of this act.

The law repeal-
ed by said act
revived.

[Approved February 22, 1834.]

CHAP. 488.—AN ACT for the benefit of Elizabeth Godby.

Whereas, it is represented to the present General
Assembly, that by a decree of the Casey circuit court,
Daniel Godby, the husband of Elizabeth Godby, has
obtained a divorce from her, and is enjoying all the
rights of an unmarried man: Therefore,

*Be it enacted by the General Assembly of the Com-
monwealth of Kentucky*, That said Elizabeth Godby
be, and she is hereby restored to all the rights and
privileges of an unmarried woman, and that she be
restored to her maiden name, Elizabeth Fitzpatrick.

(Approved February 22, 1834.)

CHAP. 489.—AN ACT for the benefit of Celia E., Seth, and Jane
Johnson, infants.

Whereas, it is represented to the present General
Assembly, that Celia E. Johnson, Seth Johnson, and
Jane Johnson, infants, have a remainder interest under

1834.

Jan 22

1834.

The court
of Fayette
County
Rock
I

The Fayette
circuit court au-
thorised to de-
cree the sale of
the lands of said
infants.

A com'r to be
appointed to re-
ceive the pro-
ceeds and ap-
propriate the
same.

OF KENTUCKY.

their father, James Johnson, in a
tract containing about fifty-five acres,
Elkhorn, in the county of Fayette,
the life estate of their mother, Mary
Johnson, living, and who has petitioned the
court on behalf of said infants, to authorise the
sale of the remainder aforesaid: and whereas, sat-
isfactory proof is made to the Legislature, that the
income and profits of the premises aforesaid are insuffi-
cient for the support of the said Mary Johnson, and
the maintenance and nurture of her three children
aforesaid: besides which, they have little else, and the
general laws of this Commonwealth having made no
provision for sales of estate in such condition: Where-
fore,

Sec. 1. *Be it enacted by the General Assembly of the
Commonwealth of Kentucky,* That it shall and may be
lawful for the judge of the Fayette circuit court, upon
the filing of the petition of the said Mary Johnson,
the next friend of the infants aforesaid, and upon sat-
isfactory proof being made, by affidavit, that it will
be to the interest of the said infants that sale should
be made of their right to the land before mentioned,
for him to order and decree the sale thereof in such
manner, and upon such terms, as he, the said judge,
may deem most conducive to the interests of the said
infants.

Sec. 2. *Be it further enacted,* That if the judge
aforesaid shall order and decree a sale of the rights
and interests of the before mentioned infants in and to
the premises aforesaid, he is hereby required to ap-
point some suitable person as commissioner, who shall
give bond in an adequate penalty, to be filed in the
clerk's office of the circuit court of Fayette county,
conditioned as said judge may prescribe, whose duty
it shall be to receive the proceeds of the sale of the
said infants' interest in the land aforesaid, and make
such appropriation thereof as may be required in the
bond aforesaid.

(Approved February 22, 1834.)

CHAP. 490.—AN ACT for the benefit of the Mechanics of the Towns
of Covington and Newport.

A lien created
in favor of the
Sec. 1. *Be it enacted by the General Assembly of the
Commonwealth of Kentucky,* That carpenters, joiners

brick masons, stone masons, plasterers, turners, painters, brick makers, lumber merchants, and all others performing labor or furnishing materials for the construction or repair of any building within the towns of Newport and Covington, shall and may have a joint lien upon the buildings they may be employed to construct or repair, and the interest of the employer in the lot on which such building may be constructed or repaired, or for which they may furnish materials, to the extent of the labor done and materials furnished by them respectively: *Provided*, That no lien shall attach for any sum not amounting to twenty dollars: *Provided*, That nothing herein contained, shall be construed to affect, impair, or injure any lien or liens, whether by mortgage, deed of trust, or otherwise, which any person or persons, body politic or corporate, may have on the property by this act subjected to the lien or liens herein before created and mentioned.

SEC. 2. *Be it further enacted*, That any person or persons, having a lien under this act, may enforce the same by filing a bill in the Campbell circuit court, at any time within one year from the completion of the work or furnishing the materials. All the persons having a lien may join in the bill against the employer, or one or more of them may file a bill against the employer and the other persons having a lien. Each claim shall be clearly and distinctly stated, and as clear and distinct an answer shall be made to the same. The court, on the application of either party, may direct an issue to be made, and a jury called to try the same, as in other cases at law; and when the claims of each shall be ascertained, the court shall decree the amount against the owner of the building and direct the house and the interest of the employer in the lot to be sold, on a credit of six, twelve, and eighteen months, and shall cause the sale money to be collected and distributed in payment of the amount decreed to the claimants. The amount due the claimants shall bear legal interest from the time the same shall have been due by the contract of the parties; and the purchaser of the property shall pay interest from the time of the sale. The court, after the claimants have all been paid, shall direct the surplus to be paid over to the owner of the property; and should the proceeds of the sale prove insufficient to pay all the claimants, then the court shall cause each to be paid in proportion.

1834.

mechanics and others of said towns on lots and buildigs therein for their erection or repair, and for furnishing materials.

Proviso.

Mode of enforcing the lien and subjecting the property to sale.

What proceedings to be had and instituted.

(Repealed)

The surplus after the payment of all claims to be paid to the employer.

1834.

A lien also created in favor of journeymen employed, &c.

Proviso.

How the lien in his favor may be enforced and proceedings thereupon.

No lien to be created where security has been taken by the undertaker.

Proofs of the different claims how to be made, established &c.

The cause to stand for trial at the first term after the execution of process and filing of answer, &c.

SEC. 3. *Be it further enacted*, That any journeyman who may be employed in the construction or repair of any building within the towns of Newport and Covington, shall, to the extent of his wages for the labor done on such building, have a lien on the same: *Provided*, that such journeyman shall give the owner of the property written notice, before payment is made to the undertaker or building mechanic, that he looks to the property, for the payment of what may be due to him, for labor done to the building. He may file his bill to enforce the lien; and he may be, and shall have a right to be made a defendant to any bill brought to enforce any lien given by this act. He shall have a right to a decree for wages due to him; and the same shall be paid out of what may be due to the undertaker or building mechanic, if so much be due to him: and if there be more than one journeyman entitled to a lien under this act, and the amount due to the undertaker shall not be sufficient to pay them all, they shall be paid in proportion.

SEC. 4. *Be it further enacted*, That none of the persons named in the first section of this act, shall have a lien, if they shall have taken security; nor shall any journeyman have a lien, when his principal has none.

SEC. 5. *Be it further enacted*, That the complainant, or complainants, in any suit instituted under the provisions of this act, may proceed to the proof of their respective claims immediately on the service of process; and any defendant, or defendants, claiming a lien, may proceed to the proof of their respective claims immediately on filing their respective answers, asserting and specifying their claims: it shall not be necessary for a defendant or defendants, claiming a lien or relief against any complainant, or co-defendant, to make their answer or answers a cross-bill against the complainant or co-defendants; but the assertion of their respective claims and liens, in their answers, with a prayer for the appropriate or general relief, shall be sufficient to authorize the court to enter the proper decree for relief against any of the complainants or defendants.

SEC. 6. *Be it further enacted*, That immediately on the service of the process in any suit instituted under the provisions of this act, any defendant or defendants shall have the right to file with the clerk of the Campbell circuit court, his or their answer under oath; and the clerk shall endorse thereon the true time of

filing the same; and twenty days shall be allowed to a defendant or defendants, to file their answers after the service of process: the cause shall stand for trial at the first term after the service of process, if the same shall have been served twenty days before the commencement of the court, and either at a common law or chancery term; and may be taken up for trial on ten days' notice, in writing, on any day of any such term. The court, for good cause, may continue the cause, and may permit a defendant or defendants to file his or their answers, at any time before the trial of the cause, on such terms as the court may deem equitable.

1834.

But may be continued for good cause.

SEC. 7. That the first section of an act, entitled, an act for the benefit of mechanics of the city of Louisville, approved 22d December, 1831, shall be so amended as to extend the liens thereby given to the interest of the employer, in the lot and premises on which such building may be constructed or repaired: *Provided*, That said section shall not be construed to affect, impair, or injure any lien or liens, whether by mortgage, deed of trust, or otherwise, which any person or persons, bodies politic or corporate, may have on said property.

The act of 1831 in relation to the mechanics of the city of Louisville amended so as to extend the lien to the lot on which buildings are erected.

[Approved February 22, 1834.]

CHAP. 491.—AN ACT to improve the navigation of Nolin.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of five hundred dollars be, and the same is hereby appropriated for the purpose of improving the navigation of Nolin, a stream passing through the counties of Hardin, Hart, Grayson, and Edmonson.

\$500 appropriated for that purpose.

SEC. 2. *Be it further enacted*, That Benedict Carico, of Grayson, Col. Aaron Hart, of Hardin, John C. Pearce, of Edmonson, and Patrick H. Garner, of Hart, be, and they are hereby appointed commissioners to superintend the clearing out all such obstructions in said stream as may endanger the navigation of said stream.

Commissioners appointed to superintend the work.

SEC. 3. *Be it further enacted*, That said stream be, and the same is hereby declared a navigable stream as far up as the milldam of John Buckles, in the county of Hardin.

The stream declared navigable up to Buckles' mill.

1834.

The com'rs to
commence their
improvements
at the mouth.

Sec. 4. *Be it further enacted*, That said commissioners are hereby directed, and it is hereby made their duty, in the expenditure of said money, to commence at the mouth of said stream, and advance upwards, clearing out and removing obstructions as far up as said money will go, taking such steps as they may think most likely to accomplish said work upon the best and cheapest plan.

To give bond &
security.

Sec. 5. *Be it further enacted*, That said commissioners shall, before they enter upon the discharge of the duties hereby enjoined, and before drawing from the treasury the money hereby appropriated, enter into bond and security in their respective county courts, payable to the commonwealth of Kentucky, faithfully to discharge the duties hereby enjoined, and for the due and faithful application of the moneys hereby appropriated to the objects herein set forth, which may respectively come to their hands; and it shall be the duty of the Commonwealth's Attorney to sue and recover in the circuit court of the county where said bond may have been executed, any monies from any one of said commissioners who may misuse or misapply said money together with 30 per cent. damages thereon.

Condition
thereof.

Suit may be
brought on the
bond for a
breach of its
conditions.

The auditor to
issue his war-
rant, &c.

Sec. 6. *Be it further enacted*, That the Auditor of public accounts is hereby directed upon the production of the certificate of the county courts of any three of said commissioners, that they have executed bond in conformity herewith, to issue his warrant upon the treasury in favor of said commissioners, or their order, for the said sum of five hundred dollars; which sum the Treasurer is hereby directed to pay out of the funds provided by an act of the present session, entitled, an act to provide for the payment of subscriptions and appropriations to objects of internal improvements.

Out of what
fund to be paid.

The work to be
completed
within 2 years.

Sec. 7. *Be it further enacted*, That said work shall be commenced and completed within two years from and after the passage of this act.

Allowance to
the com'rs.

Sec. 8. *Be it further enacted*, That said commissioners be, and they are hereby allowed one dollar per day for each day they may be engaged in said work.

Restricting
clause.

Sec. 9. *Be it further enacted*, That nothing herein contained shall be construed so as to authorise said commissioners to tear away or pull down the milldam of Martin Hardin, or other milldams on said stream.

[Approved February 22, 1834.]

CHAP. 492.—AN ACT to authorise the Trustees of the Town of Frankfort to obtain loans of money.

1834.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Frankfort, two-thirds concurring, shall have power, and they are hereby authorised, at any time, and from time to time as the improvement of said town may require, to borrow any sum not exceeding twenty-five thousand dollars; and the said trustees are authorised to issue the scrip or bonds of the board, signed by their chairman, and countersigned by their clerk, stipulating for the payment of any money so by them borrowed, and interest, in conformity with the terms of the contract of loan: *Provided, however*, that the said trustees shall not, at any one time, be indebted in a greater sum than twenty-five thousand dollars.

The trustees authorised to obtain loans of money and execute bonds or scrip therefor.

Proviso.

Sec. 2. *Be it further enacted*, That the trustees of said town shall have the power and authority to pledge the revenue of the town of Frankfort, or any portion of the same, for the payment of the principal and interest of any loans they may obtain under the provisions of this act.

May pledge the revenue for the repayment of principal and interest.

[Approved February 22, 1834.]

CHAP. 493.—AN ACT to establish an Election Precinct at the Bethlehem Meeting House at the forks of Mill Creek, in Gallatin County.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of Gallatin county, to wit: beginning at the mouth of the Big Kentucky, thence down the Ohio river to the mouth of the Little Kentucky river, thence up the Little Kentucky, with its meanders, to the Henry county line, thence with the Henry county line to the Big Kentucky river, thence with said river to the Ohio river to the beginning, shall form an election precinct; and that the qualified voters in said precinct do meet at the forks of Mill creek, at the house known by the name of the Bethlehem Meeting-House, in said precinct, for the purpose of voting at all elections: *Provided, however*, That nothing in this act shall be so construed as to prohibit the qualified voters in said precinct from voting at all elections at the court house in said county, subject to the penalties prescribed by law for voting more than once at the same election.

Bounds of the precinct established.

Place of voting therein.

Proviso.

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The county c't
to appoint judg-
es and clerk to
conduct said
election.

Their compen-
sation.

Sec. 2. *Be it further enacted,* That the county court of said county shall, from time to time, appoint judges and clerks to attend in said precinct at the house aforesaid; and it shall be the duty of the sheriff of said county to attend, by himself or deputy, and conduct the elections in said precinct; which elections shall be governed by the same rules and regulations as are now prescribed by law; and that the judges, clerks, and sheriff shall be entitled to the same allowance as are directed by law in similar cases.

(Approved February 22, 1834.)

CHAP. 494.—AN ACT to incorporate the Fireman's Insurance Company of Louisville.

A company in-
corporated and
style thereof.

P ower granted
to sue and be
sued.

To purchase,
hold, acquire,
sell and convey
estate, real
and personal.

Or receive it in
payment of any
judgment or de-
cree of a court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That P. R. Gray, Benj. G. Weir, Thomas L. Caldwell, Samuel Schwing, Geo. Starkey, Frederick A. Kaye, Daniel Raymond, Wm. Woolford, Wm. Graham, Thos. Anderson, Felix McCarty, John Rothwell, Geo. Camden, members of fire companies of the city of Louisville, and the subscribers to the stock of the association, and their successors, shall be, and are hereby declared to be a body politic and corporate, by the name and style of "the Fireman's Insurance Company of Louisville," and by that name shall have perpetual succession, and be capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law or equity, and elsewhere, with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey, and dispose of, all such real estate as shall be necessary and convenient, for the transaction of its business, or which may be conveyed to said company for the security or in payment of any debt, which may become due, and owing to the same, or in satisfaction of any judgment of a court of law or any order or decree of a court of equity in their favor, and to make and use a common seal, and the same to alter or renew at their pleasure; and generally to do and perform all things relative to the objects of this institution, which now is, or shall be lawful for any individual or body politic or corporate to do.

SEC. 2. That the capital stock of this company shall be one hundred thousand dollars, (which may be increased at the will of the stockholders to any amount not exceeding five hundred and fifty thousand dollars,) divided into five thousand shares of fifty dollars each. At the time of subscribing, there shall be paid on each share two dollars, immediately after the first election of directors, and before the company shall go into operation, there shall be paid the further sum of three dollars per share; and on the first Saturday of each month for ten months, the further sum of fifty cents per share, which will make paid on each share ten dollars; and the balance on each share shall be subject to the call of the directors, and be secured by endorsed notes payable on demand, hypothecated stocks, other than that of the company, or other property to be approved by the President and directors for the time being; the said securities shall be renewed whenever the directors may consider it proper, and any stockholder neglecting or refusing to renew his security, or neglecting or refusing to pay an instalment when required by the directors, shall forfeit all his interest in this company, and be held liable for his proportion of any loss which may have occurred previous to such neglect or refusal.

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Capital of the company.

Amount to be paid on each share and when

A failure to pay the amount called, to be a forfeiture of stock.

SEC. 3. That should any forfeiture occur, it may be remitted by a majority of the whole board of directors present at the meeting at which the motion for such remission shall be made, upon the payment by the person incurring a forfeiture of the principal of said instalment, and interest thereon, up to the time of such payment, as also of his proportion of such loss as may have occurred previous to such forfeiture.

Forfeiture may be remitted by majority of the directors, upon paying up the instalments, &c

SEC. 4. That so soon as one thousand shares are subscribed for, and paid or secured to be paid, the company shall be competent to transact all kinds of business for which it was established.

When 1000 shares are subscribed & paid for, the company may go into operation.

SEC. 5. That each member of a fire company in the city of Louisville, shall be entitled to subscribe for his own use and benefit, for any number of shares not exceeding one hundred; and that no person other than a member of a fire company in the city of Louisville, shall be privileged to subscribe for said stock; and books shall be opened for subscription of stock for the same, on the first day of May next, under the supervision, and in charge of the persons named in the first section; and they shall deliver the books and money

No person but a member of a fire company shall subscribe for stock.

Books to be opened on 1st May.

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If stock is not
subscribed for
at first opening,
books to be
opened again.

Transfer of
stock may be
made.

No transfer
shall be valid
unless made to
a member of a
fire company.

Directors may
sell stock and
apply proceeds,
&c.

Members of this
association
shall have a dis-
count who
make insurance
therein.

Shall have
equal shares of
profits.

over to the first board of directors as soon as they shall be elected, and they shall also superintend the election of the same.

SEC. 6. That should the five thousand shares not be subscribed for at the first opening of the books, the directors shall have power to re-open them, whenever they may think proper, and requiring such payments as they may think proper or equitable, so as to place them on the same footing as the first subscribers, but not exacting any advance on the stock; giving notice in at least two newspapers of the city for ten days previous; and if more than five thousand shares shall have been subscribed for, there shall be deducted the amount of such excess from the largest subscription in such manner, that no subscription shall be reduced while one remains larger.

SEC. 7. That transfers of stock may be made by any stockholder, or the legal representative of any stockholder, any member of a fire company, subject to such restrictions as the board of directors shall from time to time make and establish, but no transfer shall be valid which is made to any other than a member of a fire company: *Provided*, That in the event of the death of a stockholder, his legal representative, unless they are at such time members of a fire company in the city of Louisville, or the widow of the deceased, shall, within one year thereafter, sell and transfer the stock of such deceased stockholder; otherwise the directors may, if they see fit sell the said stock, and pay the proceeds to the person or persons entitled to the same: *And provided, also*, That if any person shall hold stock in this company for a longer time than one year after such person shall cease to be a member of a fire company, unless he shall have served the preceding five years a fireman, the directors may sell the stock of such persons, and pay them the proceeds.

SEC. 8. That every member of this association who shall effect insurance in this company on the house in which he lives, shall be entitled to a discount of ten per cent. on the premium paid by other persons, upon producing to the satisfaction of the directors a certificate of his right of membership, and the members associated, or who may hereafter be associated under this act, within the city of Louisville, shall be entitled to an equal participation in all benefits and advantages of the institution, in proportion to the amount of stock held by such member.

SEC. 9. That the affairs of this company shall be managed by a President and board of eight directors to be elected by ballot, all of whom shall be stockholders.

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Pr. & directors to manage the concerns.

SEC. 10. That no director of any other Fire Insurance company shall be allowed to be a director of this, and should any director of this company be elected a director of any other Fire Insurance company, his acceptance of that appointment, shall disqualify him from continuing a director of this company; and the company shall proceed to fill up the vacancy as hereinafter provided.

No director of any other fire company shall be a director of this, and vice versa.

SEC. 11. That the subscribers composing this association, shall hold a meeting for the first election of directors, within two weeks after the aforesaid amount of one thousand shares of stock shall be subscribed for, and on the first Monday in January in each and every year thereafter, and choose by ballot from among their members, the eight directors. Each stockholder shall have one vote for each share of stock, not exceeding five shares, and one vote for every five shares over five, and not exceeding fifty, and one vote for every ten shares over fifty, and not exceeding one hundred; but no person shall in any instance have more than twenty votes. The directors first chosen, shall serve until the first Monday in January, eighteen hundred and thirty-five, and until others shall be chosen, and no longer. At their first meeting after every election, they shall choose by ballot a President, either from among their own body, or from amongst the other stockholders; and in case of the death or disqualification of the President, the directors shall fill up the vacancy by ballot. The said directors shall produce (before they enter on the duties herein assigned them,) a certificate signed by the proper officers of the respective fire companies, that they are fireman. In case of a director being chosen President, the place of such director shall be filled by the directors from among the other stockholders.

The subscribers to meet and elect officers—and on the first Monday in January in each year thereafter.—Number of votes allowed to each share.

Directors to produce certificate of their being a member of a fire company.

SEC. 12. That in case of the death, resignation, or disqualification of a director, the place of such director for the remainder of the year, shall be filled up by the board of directors.

Vacancies to be filled by the board.

SEC. 13. That the corporation herein, and hereby created, shall have full power and lawful authority to insure all kinds of property against loss or damage, by fire, and said company may make all kinds of insurance

The corporation may insure against fire, all vessels, and all goods whether

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transported by
land or water.

on vessels, crafts or boats of any description, on the interior rivers, lakes, bayous, or canals in the United States, as well as on all goods, wares and merchandise, produce, and every description of property transported by land or water within the United States; and to make all kinds of insurance upon life or lives, to cause themselves to be insured against any loss or risk they may have incurred in the course of their business; and generally to do and perform all other necessary matters and things connected with, and proper to promote these objects.

The company
may vest their
funds in any
bank in the U.
States, or sell &
transfer the
same or loan it.

SEC. 14. That it shall be lawful for said company to invest any part of their capital stock, monies, funds, or other property, in any public stock or funded debt, created or to be created by or under any law or laws of the United States, or of this or any other particular state, or in the stock of any chartered Bank in this state, or of the United States; and the same to sell and transfer at pleasure, and again to invest the same or any part thereof in such stocks or funds, whenever and so often as the exigencies of said corporation or a due regard to the safety of its funds shall require; or they may loan the same or any part thereof to individuals or public corporations, on real or personal security, for such periods of time and under such restrictions and limitations, as the directors for the time being shall deem prudent and best for the interest of said company: *Provided*, That it shall not be lawful for said corporation to use or employ any part of their capital stock, money or other funds in buying or selling goods, wares or merchandise, nor in the trade or business of Exchange brokers; nor shall said company issue or emit any bills of credit as a circulating medium of trade or exchange, nor in any manner engage in the business or operations of banking, otherwise than in the purchase and sale of Bank stock as aforesaid, nor make any contracts in writing, except under the seal of said corporation for the payment of money, other than such as may be contained in their policies of insurance.

Proviso.

The company
shall not deal in
merchandise,
exchange or is-
sue notes or
bills of credit.

Dividends to be
declared on cer-
tain conditions.

SEC. 15. That the President and directors shall have power, and it is hereby made their duty to make and declare such dividends of the profits resulting from the business of said company, as shall not impair nor in any wise lessen the capital stock of the same, and cause the same to be paid to the several stockholders thereof: *Provided*, That no such dividend shall

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be paid, but shall be passed to the credit of such stock as part payment thereof, until one half of the capital stock shall be paid in; after which the profits arising from the business, may at the option of the directors be divided among the stockholders, in proportion to the amount of stock held by them.

SEC. 16. That the President and directors shall be, and they are hereby authorised to retain and set apart out of the profits of said company from time to time as they may think necessary, a portion of the said profits to constitute a fund for the special benefit of such members of the several fire companies belonging to this association, as may become injured or disabled in the discharge of their duty as members of such company.

Pr. & directors may set apart a portion of the profits for disabled members.

SEC. 17. That every house insured by this company, that shall be destroyed by means of fire from the first floor upwards, shall be deemed as demolished; and it shall be lawful for the directors in such case to order the money insured thereon, to be paid within sixty days after the notice given of the loss as aforesaid.

Houses partially destroyed to be paid for.

SEC. 18. That in case of a partial destruction by fire, the loss shall be determined by assessors, appointed as follows: the person whose property is insured, shall have the privilege of choosing two disinterested persons, the board of directors of this association, shall select two others; should these four persons disagree in their valuation of a loss, they shall select another disinterested person, and his award shall be final.

Persons to be selected to ascertain the loss.

SEC. 19. That the President and directors shall have power and authority to appoint a secretary, and such other clerks and officers under them as shall be necessary for transacting the business of said institution, and may allow them such salary as they shall judge reasonable, to ordain and establish such by-laws, ordinances and regulations as shall appear to them necessary for regulating and conducting the concerns of said institution, not being contrary to, or inconsistent with this act, the constitution and laws of this state, or of the United States; they shall keep full, fair and correct entries of their transactions, which shall be at all times open to the inspection of the stockholders.

Pr. & directors to appoint a clerk and other officers, and to make by-laws for the regulation of the company.

SEC. 20. That no stockholder or member of this said company, shall be answerable in his person or individual property, for any contract or agreement of said company, or for any losses, deficiencies or failures

No stockholder or member to be liable individually for the defalcation of the company.

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of the capital stock of this company, but the whole of the said capital stock, together with all property, rights and credits belonging thereto, and nothing more, shall at any time be answerable for the demands against the said company.

Stock may be transferred, but no stockholder allowed to transfer until his debt is paid.

SEC. 21. That the stock of this institution may be assigned and transferred on the books of the company, in person or by power of attorney only, but no stockholder indebted to the company, shall be permitted to make a transfer, or receive a dividend, until such debt is paid or secured to the satisfaction of the President and board of directors.

Pr. & directors to call a general meeting of the stockholders by giving notice, and on failure to do so, stockholders possessing 500 shares may do so by giving notice.

SEC. 22. That the President and directors may call a general meeting of the stockholders for any purpose relative to the affairs of the institution, giving at least two weeks notice thereof in the daily newspapers of the city of Louisville; and any number of stockholders, not less than twenty-five, who together shall be proprietors of five hundred shares, may at any time apply to the President and directors to call a general meeting of the stockholders for any purpose, relative to the affairs of the institution; and if the President and directors refuse to call such meeting, the said number of stockholders, proprietors of not less than five hundred shares, shall have power to call a general meeting of the stockholders, giving at least two weeks notice in the said newspapers printed in the city of Louisville, specifying in such notice the object of the meeting.

On failure to elect officers on the day designated, it may be done thereafter by giving notice

SEC. 23. That should it so happen from any cause whatsoever, that the annual election of directors should not take place in any year on the day herein before mentioned for that purpose, this corporation shall not for that reason be dissolved, but such election may be lawfully held on such convenient day thereafter as may for that purpose be fixed on, by the President and directors, they causing ten days public notice thereof to be given in one more of the newspapers printed in the city of Louisville.

All policies to be signed by the president or such officer as may be designated for that purpose and attested by the secretary.

SEC. 24. That all policies or contracts of insurance which may be made or entered into by the said corporation, shall be subscribed by the President or President pro tem, or by such other officer as shall be designated for that purpose by its by-laws, and attested by the secretary, and being so signed and attested, shall be binding and obligatory upon the said corporation, without the seal thereof, according to the tenor,

intent and meaning of such policies or contracts, and such policies or contracts may be so signed and attested; and the business of said corporation may be otherwise conducted and carried on without the presence of a board of directors, by assistants or committees to be appointed for such purposes; and the acts of such assistants or committees, if done under, or in conformity to the by-laws of the said corporation, shall be binding and obligatory upon it to all intents and purposes.

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The affairs of the corporation may be carried on by assistants or committees.

(Approved February 22, 1834.)

CHAP. 495.—AN ACT for the benefit of Lewis Snap, and limiting the powers of the Trustees of the town of Mount Washington, in Bullitt County.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall not be lawful for the trustees of Mount Washington, in Bullitt county, to levy and collect any tax on the lots and parts of lots fronting on the street, running east and west through said town, on which Lewis Snap resides, and employ the same to the improvement of the streets. But it shall be the duty of the trustees of said town to employ all the taxes levied on the property on said street to the improvement of the same; and it shall be lawful for Lewis Snap to move the Bullitt circuit court for a summons against Samuel Evans and William W. McCrosky, to shew cause why said street shall not be extended east through their land to the road leading from Bardstown through Mount Washington to Louisville; and on the application of said Evans and McCrosky, the court shall award them a writ of *ad quod-damnum*, directed to the sheriff of Bullitt county, to be executed as other like writs, for assessing damages for opening public roads; and on the return of said writ executed, if the court shall be of opinion that public convenience would be consulted by opening a road from the termination of said street to the said Louisville road, it shall be lawful for said court to cause said Snap to pay the damages assessed in favor of said Evans and McCrosky, and their costs in the proceeding, and to order and cause the road to be opened, and either party may have an appeal or writ of error to the Court of Appeals.

Town tax on lots, how to be applied.

A street may be extended.

Damages to be assessed.

[Approved February 22, 1834.]

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CHAP. 496.—AN ACT to alter the time of holding the Meade Circuit Court, and for other purposes.

Meade circuit
court, when
held.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the terms of the circuit court of Meade county, shall hereafter commence on the first Mondays in May and November, and the third Monday in August in each year; to which days all process returnable on the first day of the several circuit courts shall be returnable; and the said court shall be allowed to sit six juridical days at each term if business thereof requires it.

Oct. term of the
Bullitt circuit
court extended.

SEC. 2. *Be it further enacted,* That the circuit court for the Bullitt circuit, shall hereafter sit twelve juridical days at the October terms of said court, if the business thereof requires it.

[Approved February 24, 1834.]

CHAP. 497.—AN ACT supplementary to an act, entitled, an act to establish the County of Marion.

Circuit & county
courts, when
held.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the circuit court of Marion shall be holden on the first Monday in May, the fourth Monday in July, and the first Monday in November, and sit six juridical days if the business shall require it; and the county courts shall sit on the first Mondays in each month in which circuit courts shall not be holden.

Constables to
be appointed.

SEC. 2. *Be it further enacted,* That the county of Marion be allowed six constables, to be appointed by the county court, a majority of justices being present, who shall at the same time lay off the said county into districts, pursuant to laws now in force on that subject; and the qualified voters in said county of Marion, shall vote at all general elections held for Senators and Representatives in the state Legislature, and for members of Congress, or other officers, in the same manner as though the county had not been established; and the sheriff of Marion shall meet and compare the votes at such times and places as are now prescribed for such purposes, by the laws regulating elections in the county of Washington.

Voters to vote
as heretofore.

Elections—

where to be held

SEC. 3. *Be it further enacted,* That the annual elections in said county shall be holden in the town of

Lebanon, and at two precincts, one to be holden at Bradford's mill, and the other at Raywick in said county.

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SEC. 4. *Be it further enacted*, That the sheriff of Washington, and the collector of county levy for Washington, shall have power and authority to collect the county levy and revenue tax for the present, within the bounds of Marion county, and account for the same in the same manner as though the said county had not been established.

Sheriff of Washington to collect taxes, &c. in Marion.

SEC. 5. *Be it further enacted*, That William W. Beall, of Washington, and Thomas P. Knott, of Marion, be, and they are hereby appointed to survey and mark the lines of the county of Marion, which divide the same from the county of Washington, who shall plainly mark the same; and when so marked, all officers shall be governed thereby. Said commissioners shall be allowed to employ such aid as may be necessary to complete said demarcation, and shall be allowed the sum of two dollars per day each, for the time they may be concerned in said business, to be paid out of the county levy of said county of Marion.

Division line to be run and marked.

SEC. 6. *Be it further enacted*, That so much of the law passed at the present session, entitled, "an act to establish the county of Marion," as appoints Joel Williams, James Allen and Joseph Able, commissioners to select and contract for a lot or lots as a site for the Court-house, and other public buildings in the town of Lebanon, be, and the same is hereby repealed; and the county court of Marion county, a majority of all the justices being present, shall have full power and authority to contract for, and select said site in such manner and upon such terms as they shall deem most advantageous for the county: *Provided*, That the site selected by the county court shall be within the town of Lebanon.

County court to fix the site for the courthouse.

[Approved February 22, 1834.]

CHAP. 498.—AN ACT for the benefit of Isabella and William Steele.

Whereas, it is represented to the present General Assembly of the Commonwealth of Kentucky, that there is a suit in chancery depending, in the Fayette circuit court, between Isabella Steele complainant, and William Steele defendant, the object of which is

Recital.

1834. to obtain alimony. And the said parties desire that a decree may be entered by the court for a specific sum, instead of the mode now practised; and in lieu of dower and any future claim to distribution.

Fayette circuit court authorised to decree Isabella Steele alimony.

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the Fayette circuit court may have and entertain jurisdiction of said case, with power and authority to decree to the said Isabella, such sum in lieu of alimony, dower and distribution in the estate of said William, as the said parties may agree upon.

[Approved February 24, 1834.]

CHAP. 499.—AN ACT to improve the navigation of Big Barren and Blood Rivers.

Appropriation to Big Barren river.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sum of one thousand dollars be, and the same is hereby appropriated to remove the obstructions to the free navigation of Big Barren river, from the mouth of Indian creek, in Allen county, thence down said river to a point three miles below Martinsville, in Warren county—the commissioners to commence said work at either point, as may be thought best by the said commissioners.

Com'rs appointed.

SEC. 2. *Be it further enacted,* That Jonas Brown, Thomas Sutton, and Stephen Claypole, of Allen county, and John Lewis and James Murrell, of Barren county, and William L. Howell, of Monroe county, be, and they are hereby appointed commissioners to superintend and conduct the work necessary to be done in the removal of all the said obstructions, or otherwise to open the navigation of said river; and who shall have power to employ a sufficient number of laborers, and to make all contracts, and to do all other things necessary for the carrying on and completing said work.

Com'rs to draw on the treasurer for the amount appropriated.

SEC. 3. *Be it further enacted,* That when the said commissioners, or a majority of them, shall be ready to commence said work, it shall be lawful for them, or a majority of them, to draw upon the treasurer for one thousand dollars; and the treasurer is hereby authorised and required to pay the same to the order of said commissioners, or a majority of them as aforesaid, out of the funds provided by an act of Assembly pass-

ed at the present session, entitled, an act to provide for the payment of subscriptions and appropriations to objects of internal improvements.

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SEC. 4. *Be it further enacted*, That before the said commissioners enter upon the discharge of the duties imposed upon them by this act, they, or a majority of them, shall give bond and approved security in the county court of Barren, in the penalty of two thousand dollars, conditioned that they will faithfully disburse all the moneys that may come to their hands for the removal of the obstructions to the navigation of said river.

Com'rs to give bond.

SEC. 5. *Be it further enacted*, That the commissioners herein appointed to superintend and manage the opening and improving said navigation, shall make out and report to the next General Assembly of this state, at its commencement, a true and perfect statement, showing how the money hereby appropriated has been disbursed, and what progress they have made in removing the obstructions in said river; and they shall file duplicate copies of said report in the clerk's office of Barren county, subject to the inspection of any person wishing to see the same.

Com'rs to report to the Legislature.

SEC. 6. *Be it further enacted*, That the sum of two hundred dollars be appropriated to the improvement of Blood river, from Brandon's mill, to the mouth of said river; and that James Barnett be appointed a commissioner to apply the same to the purpose aforesaid: *Provided*, That the money appropriated by this section, be paid out of the funds provided by an act of the present session, entitled, an act to provide for the payment of subscriptions and appropriations to objects of internal improvement.

Appropriation to Blood river.

Proviso.

[Approved February 24, 1834.]

CHAP. 500.—AN ACT to amend the law prescribing penalties for obstructing navigation.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That each and every person who shall voluntarily erect, or who shall voluntarily, in person, or by his agent, or servant, or slave, aid or assist in erecting, in, or across any river or stream which is, or may hereafter be navigable for boats, any fish-dam, slope, stop-wier, or hedge, or any other obstruc-

Penalty for obstructing navigation.

Gc*

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tion to the passage of fish or the navigation, shall be guilty of a high misdemeanor; and upon conviction thereof, be confined in close jail, in the jail of the county in which the offence was committed, not less than thirty days, nor more than ninety days, and pay a fine of not less than ten dollars, nor more than fifty dollars, to be ascertained and fixed by the court rendering judgment of conviction.

Presentments,
how made.

Proviso.

SEC. 2. *Be it further enacted*, That it shall be competent for presentments to be made of offences against this act, on the information of any one of the grand jury, and no prosecutor shall be necessary. The provisions of this act shall be in addition to, and not a repeal of any other act now in force: *Provided*, That this act shall not embrace, or be construed to extend to cases where dams of any kind shall be built upon any stream made navigable by law, if the same shall have been, or may hereafter be built in pursuance of law.

[Approved February 24, 1834.]

CHAP. 501.—AN ACT to establish a road from Owenton to Warsaw, in Gallatin County.

Com'rs appointed to view and mark a way for the proposed road.

And to lay it off into precincts and report to the courts of Owen and Gallatin.

The courts to appoint surveyors to each precinct, allot hands & cause the road to be opened.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James F. Blanton and Henry North, of the county of Gallatin, George Roberts and James Smith, of the county of Owen, be, and they are hereby appointed commissioners, who, or a majority of them, after being first duly sworn before some acting justice of the peace, shall view and mark a way for a road the nearest and best practicable route from Owenton, in Owen county, to Warsaw, in Gallatin county, on the Ohio river; and it shall be the duty of said commissioners, so soon as they have completed the running and marking said road, to lay it off into convenient sections or precincts, and shall make report of their proceedings, with the probable number of hands necessary for the immediate opening said road, to the court of their respective counties.

SEC. 2. *Be it further enacted*, That it shall be the duty of the several county courts of the aforesaid counties, immediately upon the reports of said commissioners, to make an order for clearing out said road thirty feet wide, clear of all timber in all practicable

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places, and the stumps not to be more than twelve inches above the surface of the earth, and all mud holes and muddy places to be causewayed with timber or stone twelve feet wide: all cuts shall be bridged in a good manner, the hill sides to be dug at least fifteen feet wide; and said court shall appoint a surveyor upon each section or precinct as laid off by the commissioners, and shall allot him the number of hands to which he is entitled, and the boundaries from whence they are to be drawn. Copies of the above described orders of court shall be given to each surveyor appointed under this act, within fifteen days after granting the same, by the sheriffs of said counties.

SEC. 3. *Be it further enacted,* That each and every person who shall fail to do his duty, without good cause, in clearing out said road, after having been legally notified, shall be subject to a fine of one dollar and twenty-five cents per day, recoverable as all other road fines are; and the several surveyors, who shall be appointed under the provisions of this act, who shall fail to do the duties assigned them, without good cause shown, shall forfeit and pay the sum of fifteen dollars, recoverable as the fines aforesaid, provided that five days notice be given to the delinquents.

Penalty on persons failing to work on the road when duly notified, and on the overseers for failure of duty.

SEC. 4. *Be it further enacted,* That when any person through whose land the said road shall be viewed, shall object to the opening the same, the sheriff of the county in which the land may lie, shall, at the discretion of the county court, summon a jury to meet on the land on a certain day, (with the commissioners,) who shall be qualified, to ascertain the damages that may arise from opening said road; which, together with the sheriff's fees, shall be paid out of the next county levy of the county in which the said land may lie, the claim to be first allowed by the county court.

Land may be condemned for the route of the road if the owner of the land object.

Damages to be paid out of the county levy.

SEC. 5. *Be it further enacted,* That each commissioner shall be allowed and entitled to receive one dollar per day out of the next county levy of the county in which he or they may respectively reside, for each day he or they may have been respectively employed in the aforesaid business, by his returning a certified account of the time aforesaid to the county court of claims.

Comrs' allowance and mode of payment.

[Approved February 22, 1834.]

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CHAP. 502.—AN ACT for building a Bridge across Main Licking, at Claysville.

Commissioners appointed for that purpose.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Asberry Broadwell, Isaac Miller, Peter Barrett, Thomas B. Woodyard, George Rees, and Larkin Garnett, be, and they are hereby appointed commissioners for the purpose of building a bridge across Main Licking, at Claysville, in Harrison county.

Books to be opened for receiving subscriptions of stock at Leesburg, Claysville, Cynthiaana and Augusta.

SEC. 2. *Be it further enacted*, That for the purpose of raising a fund to build said bridge, books of subscription shall be opened at the following places, to wit: one subscription book shall be opened at Leesburg, in Harrison county, under the direction of John D. Thomas and Lewis Coppage; one subscription book shall be opened at Cynthiaana, in said county, under the direction of said Broadwell and said Miller; one subscription book shall be opened at Claysville, in said county, under the direction of John Whitehead and Stephen B. Currens; and one subscription book shall be opened at Augusta, in Bracken county, under the direction of George Donathan and Richard Dobbins.

The commissioners to appoint a treasurer, who is required to give bond.

SEC. 3. *Be it further enacted*, That when the sum of three thousand dollars shall be subscribed by individuals for building said bridge, the said commissioners shall proceed to appoint a treasurer, who shall execute bond with sufficient security, in the county court of Harrison county, in the penalty of six thousand dollars; which bond shall be made payable to the commonwealth of Kentucky, and shall be conditioned for a faithful performance of the duties of said treasurer, and for the faithful management and disbursement of the funds which shall come into his hands as treasurer; and said bond shall not become void upon the first recovery, but may be put in suit and prosecuted from time to time by and at the costs of said commissioners, or by any person injured by a breach thereof, until the whole penalty thereof shall be recovered.

Condition thereof.

May be put in suit, &c.

Subscriptions may be sued for and recovered.

SEC. 4. *Be it further enacted*, That if any person shall fail or refuse to pay the amount of his subscription to the said treasurer, the same may be recovered by a suit in the name of the treasurer for the time being; and in case of the death, resignation, or removal of the treasurer, such suit may be revived in the name of his successor.

Sec. 5. *Be it further enacted,* That when the sum of three thousand dollars of the money so subscribed, shall have been paid to said treasurer, he shall report the same to the county court of Harrison county, which shall be entered of record, and shall be certified by said court to the auditor of public accounts; whereupon, it shall be the duty of said auditor to give an order in favor of said treasurer upon the treasurer of this commonwealth, for the sum of three thousand dollars, to be paid out of the funds set apart by an act of the present session, entitled, an act to provide for the payment of subscriptions and appropriations to objects of internal improvements. And thereupon, the said commissioners shall contract with one or more workmen, to build said bridge, on the best terms they can obtain; which bridge shall be built upon stone abutments upon the Wernwag plan, with a space of not less than one hundred and eighty feet, and shall be of sufficient height to permit boats and other water craft to pass at all stages of the water, and shall, in all respects, be so constructed, as not to hinder or interrupt the navigation of the river: that the said bridge shall be built below the alley which runs from William Jackson's house to the river; and the said William Jackson shall be paid the damage which he may sustain in consequence of the abutments of said bridge being on his land: and on his application, the county court of Harrison shall order a writ of *ad quod damnum* to be issued, to ascertain the said damages; which writ shall be executed in the same manner in which such writs are in assessing damages for opening roads.

Sec. 6. *Be it further enacted,* That a majority of said commissioners shall constitute a board for the transaction of business; and all and every act which said commissioners are authorised to perform by this act, may be performed by a majority of said board; and if a vacancy should occur in said board of commissioners, by death, resignation, or refusal to act, the county court of Harrison county are hereby authorised to fill the same: and in case any of the persons hereby appointed to open subscription books, should, from any cause, fail or refuse to perform the duties required by this act, the said board of commissioners are hereby empowered to fill such vacancy.

Sec. 7. *Be it further enacted,* That said treasurer shall settle his accounts with the county court of Harrison county, from time to time, whenever required to

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An appropriation made by the state to aid in the erection of said bridge.

Out of what fund to be paid.

Com'rs to employ workmen, &c.

Mode of constructing the same, plan, &c.

Site of the bridge.

Land may be condemned for the abutments, and damages how assessed and paid.

A majority of the board to constitute a quorum.

Vacancies in the board, how filled.

The treasurer of the board to settle with the

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county court of Harrison.

Settlements to be recorded.

Vacancy in the office of treasurer, how filled.

do so by said court; which settlement shall be recorded by the clerk thereof, under the direction of said court, and shall be prima facie evidence for or against said treasurer, on all suits which may be brought against him on his bond: and in case of a vacancy in the office of treasurer, by death, resignation, or otherwise, said board of commissioners shall appoint another to fill said vacancy.

The Commonwealth reserves the right of making it a toll bridge, &c.

The bridge to be commenced in two years.

SEC. 8. *Be it further enacted*, That the right is hereby reserved to the General Assembly of this Commonwealth, at any time when it may be deemed expedient, to establish a reasonable rate of tolls for the use and passage of said bridge, and to provide for the collection of said tolls, and for their distribution, according to the respective interests of the state and individuals. The said bridge shall be commenced in two years from and after the passage of this act, or the subscription on the part of the state hereby authorized, shall not be made.

[Approved February 22, 1834.]

CHAP. 503.—AN ACT for the benefit of Jesse Walker, and others.

Recital.

Whereas, it is represented to the General Assembly, that Jesse Walker, Green W. Laughlin, and Adolphus King, of Whitley county, have been engaged for several years in boring for salt water at different places, and they have expended much money in the prosecution of that object, and to enable them to carry their work on to be useful to the public and themselves: Wherefore;

A donation of 2000 acres made to them for the benefit of their Salt Works.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land office be, and he is hereby required to issue a land warrant for two thousand acres of land, in the name of Jesse Walker, Green W. Laughlin, and Adolphus King, to be located on any vacant and unappropriated land in Whitley county, as near as can be had to the salt wells, free of charge; and upon plats and certificates, shall issue a patent or patents, as the case may embrace: *Provided, however*, That any patent that may issue by virtue of this act, and which may include any land heretofore surveyed by authority of law, shall be absolutely void.

Proviso.

[Approved February 22, 1834.]

CHAP. 504.—AN ACT for the benefit of Edward H. Earle, and others.

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Whereas, it is represented to the present General Assembly of the Commonwealth of Kentucky, that judgments have been entered in the Hopkins circuit court against Edward H. Earle, late sheriff of Hopkins county, in favor of the Commonwealth's Bank, for a considerable sum, together with thirty per cent. damages thereon, which was entirely in consequence of the neglect of his deputies; and whereas, the said Earle has applied to the directors of the Commonwealth's branch at Princeton, to be released from the payment of the damages aforesaid, but the said directors, who refused to discharge said penalties, considering that they had not the power to release the damages aforesaid:

Recital.

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That Edward H. Earle, late sheriff of Hopkins county, be, and he is hereby entitled to a credit for the thirty per cent. which was entered up against him as a penalty on two judgments of the Hopkins circuit court, in favor of the Bank of the Commonwealth of Kentucky—the one for four hundred and forty-three dollars and nineteen cents, and the other for three hundred and four dollars and thirteen cents—for failing to return two executions in favor of said bank; and upon the said Earle paying the principal debt, with six per cent. interest, and all costs, ordinary and extraordinary, the said judgments shall be considered as discharged.

Damages remitted to Earle.

And whereas, the sum of eighty-one dollars ninety cents, was collected from Charles Wallace and Nicholas Hocker, as securities for Benjamin Gilbert, sheriff of Ohio county, as damages, over and above the debt, cost, and legal interest due to the Commonwealth of Kentucky: Therefore,

Sec. 2. *Be it further enacted,* That the sum of eighty-one dollars and ninety cents be refunded and paid back to the said Wallace and Hocker, and that the auditor of public accounts be directed to issue his warrant on the treasury for that sum in their favor.

A sum of money appropriated to Wallace and Hocker.

(Approved February 22, 1834.)

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CHAP. 505.—AN ACT to incorporate the City of Covington.

The city of Covington incorporated and boundary thereof.

Created a body corporate with certain powers—style thereof.

Proviso.

Additional land may be included in the city bounds.

A mayor and council to be elected annually.

A residence of two years necessary before a person can be elected mayor or councilman.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the county of Campbell, as is now embraced within the boundaries of the town of Covington, and also such other portions or parts of said county, adjoining to and immediately in the vicinity of said town, as the owner or owners thereof may desire, shall be, and is hereby declared to be a city, and the inhabitants thereof are created a body corporate and politic, with perpetual succession, by the name and style of the city of Covington, and as such by that name shall be capable in law of contracting and being contracted with, and suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever; and may have and use a corporate seal, and change, alter and renew the same at pleasure: *Provided, however*, That no part of said county of Campbell shall be included within the boundaries of the proposed city of Covington, other than that now included within the boundaries of the town of Covington, unless the owner or owners of the ground which may be proposed to be included within the bounds of said proposed city, his, her or their properly authorised agent, shall give his, her or their assent thereto, in writing, on or before the first day of April next, which said assent, in writing, shall be properly acknowledged and recorded in the clerk's office of the county of Campbell, and in the record book of the trustees of said town of Covington.

SEC. 2. *Be it further enacted*, That the fiscal, prudential and municipal concerns of the said city, with the government and control thereof, shall be vested in one principal officer, to be called a Mayor, and one city Council, consisting of eight persons, to be denominated the board of councilmen; who shall be elected for the first time, on the first Saturday in April next, in the way that the trustees of the town of Covington have heretofore been elected; and the Councilmen shall hold their offices for one year, and until their successors shall be duly elected and qualified, and the Mayor shall hold his office for one year, and until his successor shall be duly elected and qualified; all of whom shall have resided in said city two years next preceding the election, and be citizens of this state.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Mayor and Councilmen that shall be first elected under this act, to lay off the said city into four wards, for the purpose herein named, as nearly equal as possible, as to number of inhabitants, improvements and permanent boundaries, each of which wards shall be entitled to elect two Councilmen, to be members of the board of Councilmen; and it shall be the duty of the said Mayor and Councilmen from time to time, to alter the boundaries of the wards, so as to equalize the number of inhabitants in each, as nigh as may be, but such alteration shall not be made, except on a general census of all the inhabitants being previously taken.

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City to be laid off into wards.

May alter the wards.

SEC. 4. *Be it further enacted*, That on the first Saturday in April in each year, succeeding the first election, the free white inhabitants over twenty-one years of age, of said city, who at the time being are inhabitants of said city, and have paid their poll tax to said city, if any be chargeable to them, for the year preceding the election at which they claim to vote, and who shall have *bona fide*, resided therein for the space of six calendar months previous to said election, shall meet in the wards in which they respectively reside, and vote for the Councilman or Councilmen, such ward shall be entitled to elect, and for a Mayor; and it shall be the duty of the Mayor and Councilmen previously elected, to appoint three suitable persons in each ward as inspectors of the election, and to issue a warrant directing them or a majority of them, to hold the election in the same manner as other elections are held in this state; notice of the time and place of holding the election in the respective wards, shall be published in one or more of the public newspapers printed in said city, with the names of the ward inspectors. The election shall be held during the same hours, to be directed by the Mayor and Councilmen, in all the wards; the said inspectors shall exhibit to all persons claiming the same, the list of the qualified voters respectively; and on closing the polls at the hour mentioned in their warrant, they shall declare the same; and the two persons having the highest number of qualified votes, shall be declared as duly elected Councilmen in each ward; the vote given for Mayor shall be added up by the inspectors, and returned by them to the clerk of the board of Mayor and Councilmen, with the list of the polls of Council-

Free white inhabitants over 21 years to meet and elect councilmen and mayor.

Mayor and councilmen to appoint inspectors of election.

Time and place of voting to be published.

Duty of inspectors.

1834.

Clerk to record
the returned
votes.

men; which list shall be certified by a majority of said inspectors, and sworn to as just and true returns of the elections; which oath shall be administered by the Mayor, as any justice of the peace. The return of the votes so made, shall be received by the said clerk and duly recorded in a book to be kept for that purpose; and it shall be the duty of the Mayor and Councilmen, to add up the votes from the several wards for Mayor, and the persons having the highest number of votes, shall be declared to be duly elected as Mayor of said city, for one year from the time of his election, and until a successor shall be so elected and sworn into office; and the Mayor and Councilmen thus elected, shall be notified immediately of the same, by the clerk of the city then in office.

Mayor and
councilmen to
take an oath.

Oath.

SEC. 5. *Be it further enacted*, That the Mayor and Councilmen of said city shall enter on the duties of their respective offices on the Thursday succeeding the first Saturday in April, in the year in which they are elected; and before entering on the duty of their respective offices, shall each be sworn to support the constitution of the United States, and of this state, and that they will well and truly discharge the duty of Mayor and of Councilmen of the said city, which oath may be administered to the Mayor elect, by any judge of any court of record in this Commonwealth, as by any justice of the peace of the county of Campbell; and the Mayor after he is sworn into office, shall administer the said oaths to each of the Councilmen, or the same may be administered by any justice of the peace for Campbell county; and an entry shall be made on the records of the board, that said oaths have been duly administered.

Mayor and
councilmen to
form a board.

The board to
choose a clerk.

Duty of the
clerk.

SEC. 6. *Be it further enacted*, That the Mayor and Councilmen thus chosen and qualified, shall form one board, and act together as one body; and at all meetings the Mayor, if present, shall preside; but in his absence, the board may elect a chairman, for the time being; the said board shall choose a clerk, who shall be sworn to the faithful discharge of the duties of his office, which he shall hold for one year, and until another shall succeed him, removable however at the pleasure of the board, and shall be denominated the clerk of the city; whose duty it shall be to keep a journal of the proceedings of the board, to sign all warrants issued by them, and to do all acts in his said capacity, that may be reasonably required of him;

and to deliver over all papers and books entrusted to him, to his successor in office, immediately on such successor being chosen and qualified, or whenever he shall be thereto required by the Mayor and Councilmen; in all meetings of the board, five Councilmen with the Mayor, or in the absence of the Mayor, six Councilmen, shall constitute a quorum to do business, but in cases of levying the taxes, or in the elections of any officer of the city government, or the passing by-laws, or ordinances, five Councilmen shall concur; or when four Councilmen shall be found voting in the affirmative, the Mayor may be called upon to vote, and in case of his voting in the affirmative, the measure shall prevail; the board shall meet in some public place, provided for that purpose, and their deliberations and acts shall be public.

1834.

What number shall constitute a board.

Meeting of board to be public.

SEC. 7. The Mayor of said city shall be the chief executive officer of said corporation, and shall be compensated for his services, by a salary payable quarterly, out of the funds of the corporation, to be fixed by the board of Councilmen, exclusive of the Mayor, which shall not exceed two hundred and fifty dollars per annum, and shall not be increased or diminished during his term of office; and to be exclusive of all fees he may receive for certifying documents of a public or private nature, or for services rendered individuals which he may be called on to execute, or perform in his official capacity; it shall be his duty to be vigilant and active, at all times, in causing the laws and ordinances of said city to be duly executed, and put in force; to inspect the conduct of all subordinate officers thereof, and as far as in his power, to cause all negligence, and carelessness, and positive violations of duty, to be duly prosecuted and punished; he shall keep the public seal of said city, and shall keep an office in some convenient place in said city, and have power to administer oaths; he shall have power to summon a board of Councilmen at any time, and so often as he may deem advisable, notwithstanding they may have adjourned to a more distant day; he shall preside at all meetings of the board, except in the case before mentioned, and in case of a tie, on any question, he shall give the casting vote, but shall not otherwise have a vote in the board, except in the cases herein before specified. It shall be his duty from time to time to communicate to the board of Councilmen, all such information, and recommend all such

Salary and duty of the Mayor

Shall keep the public seal, administer oaths and convene a board when necessary.

Shall communicate information to the board

1834.

His powers as
a judicial officer

Power to award
process.

Proviso.

Mayor may
take acknow-
ledgments of
deeds.

Also, take de-
positions.

measures, as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort and ornament of said city; he shall, in his judicial capacity, have exclusive original jurisdiction in all cases for the violation of the ordinances of said city, and civil and criminal jurisdiction in all cases, where by the laws of this state, justices of the peace within the county of Campbell, are, or shall be authorised to hear and determine, or in any manner have power to act; and as to committing criminal offenders, and sending them on for trial, he shall have the power of two justices of the peace; and for the due and efficient exercise of the powers herein, and hereby vested in him, he shall have power, and it shall be lawful for him to award all such process, and issue all such writs as may be necessary to enforce the due administration of right and justice throughout said city, and for the lawful exercise of his jurisdiction, agreeably to the usages and principles of law: *Provided*, That in all cases where said Mayor shall render judgment, of which, by law, the justices of the peace for the county of Campbell would have had jurisdiction, the party feeling himself or herself aggrieved by the decision, judgment or determination of said Mayor, shall have the same right to appeal to the circuit court for Campbell county, and shall be entitled to all writs and process, in the same manner, and on the same terms and conditions, and subject to the same restrictions and limitations as he or she might or could have had, had such been rendered by any justice of the peace for the county of Campbell; and bonds are to be taken and such proceedings had by the Mayor, in such cases as are now had before any justice of the peace, for said county.

SEC. 8. *Be it further enacted*, That the Mayor of said city shall have the same power and authority to take the acknowledgments of deeds and powers of attorney, and to take the privy examination of *feme covert*s, and certify the same, that the clerks of the several county courts have, within this Commonwealth; and his certificate shall authorise the recording thereof in like manner, and he shall have, and be entitled to receive a fee of fifty cents, for each certificate so made; he shall have also power and authority to examine witnesses under *dedimus*es, from any court within this, or any of the United States, or foreign country, and shall be entitled to receive a fee of one

dollar, ~~for~~ each witness examined; and in all cases where he shall affix the seal of the corporation to any document, by request, he shall be entitled to receive the sum of one dollar; he shall also have power and authority to take depositions in said city, in all other cases, where justices of the peace are now authorised to take the same: *Provided*, That said Mayor for the performance of such duties, and the exercise of such powers, as come within the jurisdiction of the justices of the peace for the county of Campbell, shall be entitled to demand, and receive the same fee, and no more, as are allowed by law to justices of the peace, except where they are herein differently provided for; and he shall in no case demand or have any fee, for any service rendered to said city, except the annual salary herein provided for; and he shall have the right to issue fee bills, and collect them in like manner as justices of the peace now have.

1834.

Proviso.

May issue fee bills.

SEC. 9. *Be it further enacted*, That the Mayor and Councilmen, shall have and possess all the rights, interest, powers and authority heretofore vested in the trustees of the town of Covington, either by the general laws of the Commonwealth, or particular laws now in force, in respect to the town of Covington, with power and authority to adopt the by-laws, and ordinances of said town; and the same to repeal, alter and amend, as to them shall seem best, and with full power and authority to pass such by-laws and ordinances, with adequate penalties, as they shall from time to time deem expedient for the government of said city, not contrary to the constitution of this state, or the United States. The said Mayor and Councilmen shall have the power and authority to appoint and employ as many Watchmen, either for the day or night, as in their discretion they shall judge best, for the safety and advantage of the city; and such Watchmen shall be conservators of the peace; and vested with power to apprehend all felons, gamblers, rioters, breakers or disturbers of the peace, vagrants, persons of evil fame, and riotous persons, guilty of disorderly conduct, and carry them, with such evidence as they may possess, before the Mayor, or some justice of the peace, to be dealt with according to law; and if such apprehension is in the night, then to the Watch house for safe keeping until morning; they shall also be vested with the power and duty of patrolers.

Mayor and councilmen to possess the same powers which have been vested in the trustees.

May adopt by-laws and ordinances.

May appoint a day and night watch.

Duty and powers of watchmen.

1834.

May receive conveyance of ground to open or extend streets and alleys.

May petition the circuit court

Circuit court to issue a summons for the owners to appear and shew cause why streets and alleys should not be opened.

Court shall award a writ of ad quod damnum if required

Mayor and council may purchase and hold real and personal estate, and borrow money.

Proviso.

SEC. 10. That the Mayor and Councilmen may receive conveyances, and the consent of the proprietors of lots or lands within the city, for the purpose of locating new streets or alleys, to be extended or opened; and when they shall deem it proper to have any new street or alley opened, or any of the streets or alleys of said city, extended in part or to the limits thereof, may petition the Campbell circuit court, stating the street or alley they wish opened or extended, and the names of the owners, if known, of the lots and lands through which they desire to have such street or alley opened, or extended, and the width thereof; and thereupon said court shall order a summons to issue for such owner, to appear on some convenient day of that or some subsequent term, to shew cause why such street or alley should not be opened, or extended; which summons shall be executed on such owner, if in the county, if not, on the agent, if one is known; and on the return of the summons executed, or the return of no inhabitant or known agent, and no one appearing, the court shall order the street or alley to be opened or extended; and if one or more of such persons shall appear, they shall have a right to claim a writ of *ad quod damnum*, which the court shall award to the proper officer, to be executed as other writs of that nature for opening roads; and on the return of the writ executed, the court shall order the Mayor and Councilmen, if they so desire, to pay the damage assessed; and shall order the street or alley to be opened or extended. The Mayor and Councilmen shall have full power and authority to cause all streets or alleys to be opened, and cleared of all obstructions, by the infliction of suitable fines and penalties.

SEC. 11. *Be it further enacted*, That the Mayor and Councilmen of said city, shall have and possess the powers hereinafter mentioned. *First*—To purchase, hold and sell real estate within the limits of said city; also to purchase, hold, and sell personal property, and stock, in incorporated companies. *Second*—The said Mayor and Councilmen shall have the power to borrow money on the credit of the corporation, and pledge any of the corporation property for the redemption of the same; or to pledge any part of the future taxes of the town for the payment of the interest on said loan: *Provided*, That the interest paid, in no case, shall exceed six per centum per annum, and that the amount on loan, at any one time to said town, shall

not exceed five thousand dollars. *Third*—They are authorised and empowered to appoint inspectors of flour, tobacco, whiskey, beef and pork, butter and lard, for transportation; to provide against fraud thereon, and to make such by-laws, as shall be needful to carry the same into effect, and to punish breaches thereof. *Fourth*—They are vested with the power and authority to appoint a health officer, to establish regulations which may be necessary and proper, to prevent the introduction of the small pox, and to eradicate such disease, when it shall have made its appearance in said city: *Provided*, That nothing herein contained, shall be construed to give any power to establish any regulation, inconsistent with the constitution and laws of the state, or to prevent the Legislature from changing, by law, any regulation which may be made by said corporation. *Fifth*—They shall have the power to organize a fire department for the extinguishment of fires that may happen within said city; to provide engines and other apparatus for that purpose, and to appoint a suitable number of able bodied men, not exceeding twenty to each engine, who shall be exempted from serving on juries, and doing militia duty in time of peace, during the time they are attached to such engine; the said engine men to be appointed for any term that the Mayor and Councilmen shall ordain, and be discharged by them at pleasure; and the said Mayor and Councilmen, shall make all necessary by-laws, to punish any inhabitant of said city, for non-attendance, or disorderly or improper conduct, during the time of fire. *Sixth*—The said board shall have the power, with the concurrence of three fourths thereof, to prohibit the erection of buildings of wood, or to regulate the size and height of such buildings, in any part of said city, whereby great damages may ensue, to valuable and permanent improvements, and enforce the observance of the same, by fines and penalties. *Seventh*—They shall have the power, and it shall be their duty, to erect or procure a suitable building or buildings, for a poor house, and work house, in which the indigent poor shall be comfortably provided for, at the expense of said corporation, to be regulated and managed by suitable persons to be appointed by the Mayor and Councilmen for that purpose, and in apartments distinct from the infirm and indigent; provision shall be made for confining common beggars, vagrants, and all persons who may be sentenced for short periods of confinement, by justices

1834.

May appoint inspectors.

May appoint a health officer.

Proviso.

May organize a fire company & procure engines

Firemen to be exempted from serving on juries and doing militia duty.

May prevent the erection of wooden buildings.

May erect a poor house and work house.

May confine beggars, vagrants and disturbers of the peace in the same.

1834.

of the peace within the city, or by the Mayor for breaches of the peace, or any disturbance thereof, for petty offences, where they shall be employed in such labor, and made to perform such tasks, as shall be directed by the ordinances of the Mayor and Councilmen. Persons committed to the work house, shall be sent there by warrants, either of the Mayor, or justice of the peace as aforesaid, and discharged by the overseer, on the expiration of the time for which they were sentenced; or sooner by the Mayor, if in his opinion, they have so conducted themselves, as to merit it; a committee of the board of Councilmen, or special overseers of the poor, to be established by the board, who shall place poor persons in the poor house at their discretion; but the whole establishment shall be under the control, and immediate care, and subject to the frequent visitation of the Mayor and Councilmen; all by-laws and ordinances to carry this article into effective operation, not repugnant to the laws of this state, or of the United States, are to be made and enforced by said corporation. *Eighth*—They shall have power, whenever the public convenience shall require it, to prohibit hogs, cattle, horses, and other description of animals, from running at large, in the streets, lanes, alleys, commons, and other public places in said city; and to require and compel the abatement and removal of nuisances, within the limits of said city, under such regulations as shall be prescribed by ordinances. *Ninth*—The said Mayor and Councilmen, shall have the power and authority to assess, levy, and collect taxes on such real and personal estate, as they may designate; but such taxation shall be uniform on every description of property assessed; they shall also have power and authority to cause all stores, within the city, to be rated first, second, and third rate, levy and collect a tax on each, not exceeding forty dollars per annum, and where stores are taxed, according to their rate, the goods therein shall not be valued and included in the assessments of property for taxation; they shall also have a right to tax, and the exclusive right to license all taverns, grocers, victuallers, confectioners, retailers and houses of public resort, except gambling houses, or houses of ill fame, within said town, but tavern keepers shall also be liable to pay the revenue tax of ten dollars; they shall also have the right to license and tax all exchange, or brokers office, within said city, in

Mayor may
pardon.

Overseers of the
poor to be ap-
pointed.

May prevent
cattle, hogs and
horses from go-
ing at large.

May abate and
remove nuisan-
ces.

May levy and
collect a tax.

May tax stores.

May tax and
license taverns,
grocers and
confectioners.

May tax bro-
kers and ex-
change offices,
carts, drays,

any sum not exceeding forty dollars; they shall also have the right to license and regulate all carts, wagons, drays, and hackney coaches, and porters, which may be plying in said city for hire; they shall also have power, whenever in their opinion the interest of said city, shall require it, to levy and collect taxes on dogs, and other domestic animals, in any sum not exceeding ten dollars, on each dog, or other animal; which said taxes shall be collected by the city collector, and paid into the city treasury, in the manner, with the powers and restrictions, and under the regulations, and in all things as hereinafter provided for, and in the sale of real or personal property therefore, he shall act according to the provisions and requisitions hereinafter mentioned. They shall also have power and authority to pass by-laws and ordinances, with adequate penalties, for the enforcement of the powers vested by this section. *Tenth*—The said board of Mayor and Councilmen, shall appoint one assessor annually, and two assistants if deemed necessary; who shall take in a list of all the taxable inhabitants within said city, separately in each ward, and affix against each, the amount of his, her or their real estate within said city, with a proper description by number of, or situation; and also the true and just value of such real and personal estate of each of said inhabitants, whether in goods, stocks, manufactories, or other property that may be designated for taxation, by the said Mayor and Councilmen, which list shall be made on the oath of the party; or if the party refuse to give in a list, and swear to the same, the amount shall be assessed from the best information such assessor possesses; and in each of the several wards of said city, the said lists shall be extended, to include all free males over twenty-one years of age, and all slaves, with the value of each; taverns, grocers, victuallers, retailers, and confectioners, and houses of public resort, except gaming houses, and houses of ill fame; hacks, drays, carts, wagons, and porters, plying in said city for hire; and when said lists shall be completed, and returned to the board of Mayor and Councilmen, they shall give a reasonable notice thereof, that any inhabitant of said city may examine the same; and if any one should feel aggrieved thereby, in an excess of valuation, application may be made to the Mayor and Councilmen, and on proof being made to their satisfaction, the valuation may be changed: *Provided*, The appli-

1834.

coaches and
wagons.

May tax dogs.

May appoint an
assessor and as-
sistants to take
lists of taxable
property.List, when tak-
en, to be made
public.List may be
corrected.

1834.

Proviso.

Proviso.
Taxes not to
exceed 40 cents
on the \$100.

Poll tax not to
exceed \$1 50
on each free
male inhabitant

Bond to be tak-
en from the
collectors.

Collector liable
to motion.

Lien on prop-
erty of collect-
or.

Mayor & council
may tax
shows.

Mayor erect pow-
der magazines
and prohibit.

cation is made within the time which may be prescribed by them; after which time, no abatement or change shall be made. The Mayor and Councilmen shall proceed to lay and levy the taxes for the current year, from estimates previously submitted to the board by the Mayor: *Provided*, The same shall not exceed forty cents on each hundred dollars for such valuation, and for the general expenses of said city government, such as the police salaries, the support of the poor, and all charges for the well governing, and ordering of said city throughout; the estimate shall be presented by the Mayor. A tax shall be levied on each free male inhabitant of twenty-one years of age, and upwards, except paupers, inhabiting said city, at a ratio not exceeding one dollar and fifty cents each; and when the said tax is made out and fixed, as herein provided, bills shall be placed in the hands of a collector or collectors, to be appointed by the Mayor and Councilmen, with their warrant to collect the same; bond with good security, in an adequate penalty, shall be taken from said collector, payable to the city of Covington, and he or they shall be removable at the pleasure of the Mayor and Councilmen. The city collector, and his securities, shall be liable to judgment, by motion in the Campbell circuit court, for failing to collect and pay over any sums put in his hands for collection, at the stipulated time, with ten per centum interest and costs; and five days notice of such motion shall be sufficient; and there shall be no replevin or valuation of property on executions issuing on such judgments; a lien shall exist on the real estate and slaves, of such collector, and his securities, for the payment of all sums, placed in his hands for collection. *Eleventh*—No theatrical, or other show, or exhibition, or performance of any kind for money, shall be opened or held within the boundaries of said city, unless the same shall be licensed by the Mayor and Councilmen; and they shall have the right of taxing the same according to the magnitude thereof, and to pass by-laws and ordinances, regulating the same. *Twelfth*—The Mayor and Councilmen, shall have power to erect and procure one or more suitable buildings; as powder magazines, to provide suitable carriages for the conveyance of gun powder; and to pass by-laws to prohibit the introduction of gunpowder in said city, with penalties for the breach thereof, in addition to the forfeiture of the powder so introduced.

Thirteenth—The Mayor and Councilmen, shall have power and authority to establish one or more free schools in each ward of said city, and may receive donations of real and personal estate, to erect the necessary buildings, and to provide the revenue for their maintenance, by a tax on the ward where such school or schools shall be established; and further to regulate and superintend, by trustees, to be by them appointed, all schools in said city.

1834

May erect free schools and receive real and personal property therefor.

SEC. 12. *Be it further enacted,* That the circuit court of Campbell county, shall, have jurisdiction to try vagrants within said city, who shall if convicted, be sentenced to labor in the city work house, for a period not less than three, nor more than six months, to be ascertained by a jury; and all persons convicted for violating the laws of the city, and failing to pay the fines inflicted therefor, shall be confined in the said work house, at labor, until such fines are discharged, at fifty cents per day, instead of being confined in jail; and all slaves found hiring their own time in said city, with the consent of their master or owner, shall be subject to confinement in the same work house, under the order of the Mayor, for three months; who shall cause the master or mistress, or hirer, of such slave or slaves, if within the city, to be first summoned to shew cause, if any, he, she, or they can, why it shall not be done. And fines for disturbing religious worship, and for breaches of the peace, and for riots, within said city, may be assessed by a jury before the Mayor, to one hundred dollars; and all fines for a violation of the laws and ordinances of the city, shall be for its use. That the real, personal and other estate within the present city of Covington, held in trust for others, shall be, and is hereby invested in the Mayor and Councilmen of said city, and their successors, subject to the like trust under which it was held by the trustees of Covington: and in suing the city, the writ shall run against the Mayor and Councilmen of the city of Covington; and service on the Mayor, or clerk, or secretary, shall be sufficient service of such process; and all deeds of conveyance to be made by said Mayor and Councilmen, shall be executed by a majority of the board.

Circuit court may try vagrants in the city.

Penalty for violating the laws and failure to pay fines.

Slaves, how punished.

Disturbance of religious worship & breaches of the peace, how punished.

Property held in trust by the trustees to be vested in Mayor and councilmen.

Service of process on mayor or clerk sufficient against the board.

SEC. 13. *Be it further enacted,* That the Mayor and Councilmen shall cause all the by-laws and ordinances, passed by them, to be fairly recorded in the journal of their proceedings, and publish the same in one

By-laws and ordinances to be recorded and published.

1834.

Proceedings to be published.

Upon the death, resignation or refusal of the mayor to act, the council shall proceed to elect a mayor.

Mayor & council shall appoint Treasurer, police officers, overseers of the poor and work house.

To give bond.

Mayor & council may impose penalties for violation of by-laws.

Property, real and personal now vested in trustees to be vested in mayor and council.

City marshal to be appointed.

or more newspapers, printed within said city, or advertise the same at some public place in each ward; and annually to make out and publish a report of their proceedings, with an account of all monies received, and paid out by their order, during the year that they have been in office.

SEC. 14. *Be it further enacted*, That in the event of the death, resignation, or refusal to act of the Mayor, the Councilmen shall proceed to elect one of their own number, to supply his place; and the person so elected, shall be the Mayor of said city, until a new election is had, and the Mayor elected, sworn into office. And the Mayor and Councilmen, shall immediately proceed to order another election to supply such vacancy, for the residue of the term, as in the original election of said Mayor; and in the like event of one or more Councilmen the board shall direct a new election in the ward or wards, in which the vacancy shall happen.

SEC. 15. *Be it further enacted*, That the Mayor and Councilmen, shall appoint all necessary subordinate officers, to carry the foregoing provisions of this act into full effect; such as a city treasurer, police officers, overseers of the poor and work house, and any other that may be required; and to qualify them for the faithful discharge of their several duties, and require bond and securities of them for the same.

SEC. 16. *Be it further enacted*, That the Mayor and Councilmen, shall have the power and authority to pass all needful by-laws, with adequate penalties for the infraction of the same, not exceeding fifty dollars, which penalties may be sued for, in the name of the city, and recovered before the Mayor.

SEC. 17. *Be it further enacted*, That all the rights, privileges and property, real and personal, and choses in action which are now vested in, and belonging to the trustees of the city of Covington, shall, so soon as said board of Mayor and Councilmen may be organized, be vested in, and belonging to them for the benefit of said city of Covington, and subject to the payment of all just demands which may exist against said trustees, and for which they are responsible.

SEC. 18. *Be it further enacted*, That there shall be in said city, an officer to be styled the City Marshal, who shall be chosen by the said board of Mayor and Councilmen, and be sworn to the faithful discharge of the duties of his office, which he shall hold for one

year, and until another shall succeed him; removable however at the pleasure of the board. He shall, if required by the Mayor and Councilmen, have a resident deputy in each ward of said city; his deputy shall be appointed with the advice and consent of the Mayor and Councilmen. He shall, by himself or deputy, attend all the sessions of the Mayor and Councilmen, and of the Mayor, and preserve order, under their or his directions; he shall by himself or deputy, execute all process emanating from the Mayor; he may be appointed city collector, shall also collect the fees of the Mayor, and clerk, if required; he shall execute bond with sufficient security, in an adequate penalty, before the Mayor and Councilmen, to the Commonwealth of Kentucky, conditioned faithfully to discharge the duties of his office, and to pay over all sums of money, that may come to his hands, to the persons entitled thereto; and a lien shall exist on the land and slaves of said Marshal, and sureties from the time of executing bond, for all sums of money that shall come to his hands. He shall be entitled to receive the same fees for the like services, which sheriffs are entitled to receive, and shall have the same power and duty within the city. He and his sureties shall be liable to judgment, by motion in the Campbell circuit court, in favor of any person entitled to money collected by said Marshal, in like manner as sheriffs are liable.

1834.

Marshal may appoint a deputy.

Duty of marshal and deputies.

May be appointed city collector.
Shall give bond.

Lien on the property of city marshal.

Fees of city marshal.

Liable to motion in Campbell circuit c't.

SEC. 19. *Be it further enacted*, That all recognizances taken by the Mayor of Covington, when a day is given for the appearance of the party, except in cases in which he has jurisdiction to try the matter, shall be for appearance in the Campbell circuit court; and all recognizances, except those above excepted, shall be returned to the clerk of the said court, under the hand of the Mayor, and shall be docketed as recognizances taken and returned by magistrates. The Mayor, on the examination of criminal offenders, shall make out a statement of the evidence, and shall recognize the witnesses, and shall return the statement of the evidence and the recognizance to the clerk of the Campbell circuit court.

Recognizances taken by the mayor in certain cases to be returned to the clerk of Campbell circuit c't.

Mayor to make out statement of evidence.

SEC. 20. *Be it further enacted*, That the Mayor shall keep a record of his proceedings and shall issue original process for bringing parties before him, and executions and precepts on his judgment. He shall be entitled to charge and receive the like fees, that

Mayor to keep record of his proceedings.

Fees of the mayors.

1834.

clerks of the several county and circuit courts of this Commonwealth are entitled to receive for the like services, and have the right to issue fee bills and to collect them in like manner.

Not less than two persons to be voted for as mayor.

One of whom to be commissioned as mayor by advice and consent of the senate. If the Governor refuses to commission, or the senate to confirm, the city council shall hold another election for mayor.

SEC. 21. *Be it further enacted*, That in all elections for Mayor not less than two persons shall be voted for as such; and the two persons having the highest number of votes shall, at the first election, be certified by the sheriff to the Governor of this Commonwealth, and at the subsequent elections by the clerk of the city council, under the direction of the Mayor and Councilmen, stating in the certificate the number of votes given to each, one of whom shall be commissioned by the Governor, as the Mayor of the city of Covington, and submitted for the advice and consent of the Senate, as in other cases; and if for any sufficient cause, the Governor shall refuse to commission a Mayor, if the Senate shall refuse to advise and consent to the person nominated as Mayor, the same shall be certified by the Secretary of State, to the city council of Covington; who shall, in not less than ten days nor more than thirty days, cause another to be held for Mayor, to be conducted as other elections are directed to be by this act; and the two persons having the highest number of votes, shall again be certified to the Governor, who shall commission one of them as aforesaid.

City assessor to enter names of resident citizens and also non-resident owners of property.

If the owners are unknown description of property to be given.

Book to be returned to mayor and council and safely kept.

Clerk to give collector a copy

SEC. 22. *Be it further enacted*, That the assessor of tax, when taking a list of the persons and property of said city, liable to be taxed, shall, in said list, enter the name of each inhabitant of said city, liable to be taxed, and of all others not inhabitants, who may own property therein, subject to taxation in the manner provided for in the eleventh section of this act; but if the owner or owners of any of the real estate in said city shall not be known to said assessor, and he shall not be able to ascertain the name of the true owner or owners thereof, it shall be his duty to describe such real estate, by stating the number of each lot, its situation, or other proper description—which list or books of assessment, shall be returned by the assessor to the board of Mayor and Councilmen, and shall be filed and safely kept by the clerk as other records are kept; a true copy of which shall be made out by the clerk, and given to the collector within ten days after the same shall have been returned by the assessor. And the said collector shall immediately thereupon

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proceed to advertise that the taxes assessed by the Mayor and Councilmen of said city for the current year are due, and that payment thereof is required; which said advertisement shall be inserted in some public newspaper printed in said city, if any, and at one or more public places in each ward. And if the taxes so assessed shall not be paid within two months from the time that such advertisement shall have been made, it shall be the duty of said collector to return to the Mayor of said city, a list of all the property upon which the tax shall have been paid, together with the name or names of the owners thereof, if known, which said list shall be sworn to by said collector, and recorded in the same manner, that the book of assessment is required to be recorded.

Collector to advertise that the tax is due.

Collector to return list on oath

Whereupon it shall be the duty of the Mayor to issue his precept to the collector, commanding and requiring him to expose to sale said delinquent property, or so much thereof as may be sufficient to pay and satisfy the taxes and costs that shall be due thereon; and the same shall be described in the same manner, as in the assessor's book, and in the delinquent list. In pursuance of which precept, the said collector, after having advertised for sale the property therein mentioned, at the Court-house door of Campbell county, and at three public places in said city, for at least fifteen days, shall thereupon proceed to sell upon the premises the same, or so much thereof as may be necessary to pay the tax and costs, which shall be due thereon, to the highest bidder, to whom said collector shall give a certificate of said purchase, upon his paying the amount bid therefor; which said certificate shall entitle the purchaser, his heirs, or assigns, to demand from, and receive of said collector, if living in the said city, if not, then from his successor or successors, a deed of conveyance of said property thus sold, at any time after twelve months from the time of such sale; unless the owner or owners thereof shall have redeemed the same, by paying or tendering to the collector of said city for the time being, the amount of said purchase money and costs, with fifty per cent thereon, within twelve months from the time of such sale; and said collector shall be entitled to charge forty cents for advertising each lot or piece of property for sale; twenty-five cents for such certificate of purchase which he may issue; one dollar for each deed which he may be required to make under this

Mayor to direct the property of delinquents to be sold.

Collector to sell the property of delinquents and give certificate of purchase.

Collector to make deeds unless the same is redeemed in twelve months.

1834. section; and the same commission upon all sums collected by sale as sheriffs are entitled to, for collection upon execution; and he shall not be entitled to any other or further fees for said services. And the Mayor shall be entitled to a fee of twenty-five cents, for each precept of sale, he may issue under the provisions of this section: *Provided, however,* That nothing in this act, shall be so construed as to prevent infants and *feme covert*s, from redeeming any property which may have been sold for the non-payment of tax, belonging to such infants or *feme covert*s, within twelve months after their several disabilities shall have ceased.

Collector's fees

Proviso.

Legislature may change or alter this act.

SEC. 23. *Be it further enacted,* That nothing contained herein shall be so construed as to prevent the Legislature of this Commonwealth, from changing, altering, amending, or repealing the whole or any part of this act.

[Approved February 24, 1834.]

CHAP. 506.—AN ACT for the benefit of James Stephenson.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sum of twenty-five dollars be, and the same is hereby appropriated for the use and benefit of James Stephenson, a person of unsound mind, in the county of Boone—so determined by a jury summoned and empannelled for that purpose. This appropriation is designed to pay for the time of the finding of the jury, which was on the ninth day of May, 1833, up to the time of returning the verdict to court, which was on the thirteenth day of November, 1833.

SEC. 2. *Be it further enacted,* That the auditor of public accounts be, and he is hereby directed to issue his warrant on the treasury for said sum of twenty-five dollars in favor of Willis Graves, who was appointed a committee for the purpose of taking care of said Stephenson—which warrant the treasurer is hereby authorised and directed to pay.

(Approved February 24, 1834.)

CHAP. 507.—AN ACT to improve the navigation of Pond River, and for other purposes.

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Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the engineer or engineers employed in the improvement of Green river, to make surveys and estimates for the most practicable mode of improving the navigation of Pond river and Rough creek, to such points upon those streams as have been declared navigable, and make report to the next General Assembly; and to aid the president and managers of the Hartford Bridge Company to digest a plan for a bridge, provided for in an act, entitled, an act to amend an act for incorporating the Hartford Bridge Company, approved February 7, 1834: *Provided, however,* That said surveys and estimates shall not be made, if, in making the same, the improvement of Green river will be prejudiced (in the opinion of said engineer or engineers) thereby.

The engineer to be employed on Green river to examine Pond river and report to the General Assembly.

And to aid in furnishing a plan for the Hartford bridge

Proviso.

[Approved February 24, 1834.]

CHAP. 508.—AN ACT to amend the Charter of the City of Lexington.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the mayor of the city of Lexington, to entertain jurisdiction in his, the said mayor's court, of all cases of vagrancy arising in the said city of Lexington, in as full and perfect manner as the circuit court for the county of Fayette has cognizance of the same under the laws of this Commonwealth; and the same proceedings shall be had in the trial of vagrants before the said mayor, which are now required to be had in the circuit court for the said county of Fayette; and the said mayor is authorised and required to cause the marshal of the said city to do and perform the same acts, in the trial of persons charged with vagrancy, as are by law to be done and performed by sheriffs in the circuit courts; and for the effectuation thereof, the same power of summoning and empannelling jurors, and the same power of summoning and compelling the attendance of witnesses, is hereby vested in the said mayor, which is vested by the laws of this commonwealth in the circuit judges.

The trial of vagrants within the city transferred to mayor's court.

And the court and officers invested with the same powers now given to the circuit court on that subject.

Sec. 2. *Be it further enacted,* That it shall and may be lawful for the mayor and council of the city of

The mayor and council author-

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used to levy a
tax on playing
cards, the vend-
ers thereof, &c.

Lexington to pass such ordinance or ordinances as may by the said mayor and council be deemed expedient for imposing and collecting a tax upon playing-cards, retailed in said city, to be applied in lessening the expenses of said city: *Provided*, The same shall not exceed fifty cents on the deck or pack; and also to impose such restrictions, by ordinance, upon the sale or other disposition of playing cards, by retail, in the said city of Lexington, as will prevent the vending or trading of the same to slaves; and if deemed necessary, require bond with good security, from all retail venders of playing cards, upon such terms and conditions as they may ordain—and monthly or quarterly accounts to be rendered to the city clerk.

Each voter in
the city are au-
thorised to vote
for 12 council-
men.

SEC. 3. *Be it further enacted*, That hereafter, at the annual elections to be holden for councilmen, the several qualified voters may vote for twelve councilmen, three thereof to reside at the time in each of the wards of the city.

The process is-
sued by the
clerk of the city
may be directed
to any county
in this state.

SEC. 4. *Be it further enacted*, That the clerk of the city of Lexington shall hereafter have the same power to issue original, mesne, and final process, to the officers in any county in this commonwealth, that the clerks of the circuit courts or justices of the peace now have; and the officers to whom the same may be directed, shall be governed in the execution thereof by the existing laws in similar cases.

[Approved February 24, 1834.]

CHAP. 509.—AN ACT for the benefit of Henry Crist.

Whereas, it is represented, that Henry Crist is the owner of sixty acres of land, part of four hundred acres, in Bullitt county, (formerly Jefferson,) the entry for which is in the name of Parmenus Briscoe; which sixty acres has been surveyed and returned to the surveyor's office, but through some mistake, has never been returned to the register's office in time to obtain a patent thereon, before the expiration of the time authorising such surveys to be returned:

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That said Crist may return said survey of sixty acres, or a certified copy thereof, to the register's office at any time within

twelve months from the passage of this act; and the register is hereby authorised to issue a patent upon the same, in like manner as if said survey had been returned in due time: *Provided*, It shall appear to his satisfaction that said H. Crist is the assignee of said survey: nor shall the said grant hereby authorised to be made, be good or valid against any better or prior adverse claim upon said land.

1834.

(Approved February 24, 1834.)

CHAP. 510.—AN ACT to amend the laws concerning Tavern keepers.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That no license to keep a tavern shall hereafter be granted by any county court, unless the applicant for the license shall previously make oath before the court, that he or she, in good faith, intends to keep a tavern for the accommodation of the public, for the term of one year, and that he or she will not, during that time, sell or give, or cause to be sold or given, to any slave of which he or she is not the owner, and which may not be in his or her employ by contract with the master or owner, any quantity of wine, brandy, whiskey, rum, or any other spirituous liquor whatever, without an order from the owner, master, or other person having authority over such slave.

No tavern license to be granted until the applicant takes an oath prescribed in this section.

Sec. 2. *Be it further enacted*, That if any person shall hereafter sell, give, or loan spirituous liquor of any sort or description whatever, to any slave or slaves, other than his own, unless he be entitled for the time being to the service of such slave or slaves, by contract with the master or owner, or unless he have permission to do so by order from the master or owner, the person so offending shall forfeit and pay ten dollars, recoverable by presentment of a grand jury, or by warrant before a justice of the peace: and moreover, if such offender shall have previously obtained a license to keep a tavern, upon conviction, his or her license shall be *ipso facto* void, and no such license shall thereafter be granted to him or her, by any court, for the term of two years.

Penalty for giving or selling spirituous liquors to slaves, how recovered and applied.

Sec. 3. *Be it further enacted*, That it shall be lawful for the court or justice rendering judgment against the offender as aforesaid, to have issued an execution

The execution for the fine imposed may be issued against

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the person or
property.

either against the person or estate of the offender for the amount thereof and costs; and if the execution be against the person, it shall be the duty of the officer to whom the execution is directed, to take the offender and confine him in the jail of his county, without bail of any sort, until the judgment and costs are fully paid.

The trustees of
towns to give
information of
the violations of
this act to a jus-
tice of the peace
—The duty of
the justice
thereupon.

SEC. 4. *Be it further enacted*, That it shall be the duty of each and every trustee of any town in this commonwealth, upon his knowing or being informed of any offence against the provisions of this act having been committed within the limits of the town of which he is trustee, to make the same known to some justice of the peace of the county; and thereupon, it shall be the duty of such justice to cause the offender to be summoned to appear before him, or some other justice, at a time to be fixed in the summons, to shew cause why he shall not be fined for a violation of this act; and such proceedings shall be had thereon, as may be necessary and proper for a fair trial of the case: *Provided, however*, That the trustee upon whose information the summons may issue, shall not be liable for costs: *And, provided, also*, that all fines which may be collected for violation of this act, committed within the limits of towns, shall be paid over to the trustees of the town in which the offence was committed, and by them applied to the improvement of the streets or alleys.

Proviso.

Fines collect-
ed out of towns
to be applied to
the reduction of
the county levy.

SEC. 5. *Be it further enacted*, That the fines which may be collected for violations of this act, which may not take place in any town, shall be paid to the court of the county wherein the offence was committed, and applied to lessening the county levy.

No prosecution
necessary, &c.

SEC. 6. *Be it further enacted*, That no prosecutor shall be necessary in any proceedings under this act—and that it shall be lawful for presentments to be made upon the information of any one of the grand jury.

No tavern li-
cense granted to
persons of color.

SEC. 7. *Be it further enacted*, That no tavern license shall hereafter be granted to any person of color.

No former acts
repealed.

SEC. 8. *Be it further enacted*, That nothing herein contained shall be a repeal of any former act, except so far as the same shall be expressly repealed.

Certain acts re-
pealed.

SEC. 9. *Be it further enacted*, That all laws which require the keeper of a tavern, not within any town or city, nor within one half mile thereof, and who shall not retail spirituous liquors, to obtain and pay for license, shall be, and the same is hereby repealed.

SEC. 10. *Be it further enacted,* That no license to keep a tavern shall hereafter be granted by any court, unless the court to whom application is made, shall believe that the keeping of the tavern is necessary for the accommodation of the public at the place proposed for the tavern. This act shall take effect and be in force from and after the first day of April next.

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Restrictions on the county c'ts in granting tavern licence. Commencing clause.

[Approved February 24, 1834.]

CHAP. 511.—AN ACT to amend the act incorporating the City of Maysville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the mayor and council shall, from time to time, have power and authority to select one or two magistrates of the county of Mason to preside with the mayor and discharge in conjunction with him the judicial powers conferred by this charter; and in the sickness or absence of the mayor, to discharge said duties; and the said justice or justices, so from time to time selected, are authorised and empowered to preside with the mayor, and assist in the discharge of his duties; and in his sickness or absence, discharge said duties without him. The mayor and council may make to such justice or justices a reasonable compensation.

The mayor and council authorised to select one or two justices of Mason to assist the mayor in the discharge of his judicial duties.

And in his absence, &c. to discharge those duties. To make them compensation.

SEC. 2. *Be it further enacted,* That the mayor shall have the same power and authority, within the city, to bind out orphan children, and the children of persons who are not able to form their habits and character—and not likely to bring them up in honest courses, that the county of Mason is now vested with; and the like power to hear and determine the complaints of apprentices bound out by him, that the said court is vested with, and to afford the like remedy; and he may contract for additional advantages in favor of apprentices bound out by him.

The mayor authorised to bind out orphan children in the city.

SEC. 3. *Be it further enacted,* That the said corporation of the said city of Maysville, shall have the same power of assessing and collecting taxes on the property of non-residents within the limits of said city, that they have on the property of residents: *Provided,* That they shall impose no higher or greater rate of tax upon the property of non-residents of said city, than is imposed upon the like property of residents.

The property of non-residents of the city may be taxed.

Proviso.

[Approved February 24, 1834.]

1834.

CHAP. 512.—AN ACT changing the time of holding the Logan County Court.

Logan county
court.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the April, July, August, and October terms of the Logan county court, shall hereafter be holden on the third Mondays of said months, instead of the first, as heretofore.

Russell county
court.

SEC. 2. *Be it further enacted,* That from and after the March term of the Russell county court for the present year, said court shall be held on the first Monday in each and every month in the year, except those months in which the circuit courts are holden.

Mason county
court.

SEC. 3. *Be it further enacted,* That the county courts of Mason county, hereafter, held in the months of May and November, shall be holden on the first Monday in the month, instead of the second Monday, as now required by law.

[Approved February 22, 1834.]

CHAP. 513.—AN ACT to amend an act, entitled, an act to incorporate the Trustees of the Augusta College, approved December 7, 1822.

Preamble.

Whereas, the trustees of the Bracken Academy have petitioned the present General Assembly of the Commonwealth of Kentucky, to place under the control and management of the trustees of the Augusta College, a fund of ten thousand dollars, belonging to said Bracken Academy—the proceeds of which, said trustees of Bracken Academy have pledged to the support of said college; and which pledge the General Assembly aforesaid, by an act, entitled, “an act to incorporate the Trustees of the Augusta College,” approved December 7, 1822, sanctioned and confirmed:

Bracken Academy authorised
to transfer its
funds to Augusta
College.

SEC. 1. *Be it therefore enacted by the General Assembly aforesaid,* That it shall and may be lawful for said trustees of the Bracken Academy, and they are hereby authorised and required to pay over to the treasurer of Augusta College, on demand of the said Augusta College, said fund of ten thousand dollars, with such interest thereon which may have accrued, and which shall not have heretofore been paid over, in accordance with said pledge: but

if said fund does not, at the time of such demand, consist of money, but in evidences thereof, then said evidences shall be delivered over to said treasurer of Augusta College; and said trustees of Augusta College, shall be, and are hereby authorised, in their corporate name, to sue for and recover all such sum or sums of money, the evidences of which may be delivered their treasurer as aforesaid.

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Sec. 2. *Be it further enacted*, That the trustees of the Bracken Academy shall, at the time of paying over said fund, or evidences thereof, to the treasurer of the Augusta College, or any part thereof, take his receipt for the same, and preserve it amongst the public papers belonging to said Bracken Academy.

Preserve a receipt.

Sec. 3. *Be it further enacted*, That if it shall so happen, that any part of said fund of ten thousand dollars, or interest due thereon, shall have been sued for before the demand aforesaid shall be made, then, and in that case, all such suit or suits shall be maintained and prosecuted to final judgment and execution, in all respects as if this act had not passed; and all the avails of such suit or suits shall be, so soon as collected, paid over to the treasurer of said Augusta College, taking his receipt therefor, as aforesaid; and a copy of every receipt taken as aforesaid, shall be furnished the trustees of the Augusta College by the trustees of the Bracken Academy.

Suits to be prosecuted.

Sec. 4. *Be it further enacted*, That the said fund shall thereafter be managed and controlled by the trustees of the Augusta College, and the proceeds thereof faithfully applied, as in and by the act passed the 7th December aforesaid, directed.

Funds to be controlled by Augusta College.

Sec. 5. *And be it further enacted*, That if it shall hereafter so happen, that the Augusta College shall altogether cease in its operation, or the charter thereof shall be forfeited, then, and in that case, the said trustees of the Augusta College shall refund to the trustees of the Bracken Academy said fund of ten thousand dollars, or such part thereof as shall have been paid over to the treasurer of said college, with the interest that shall have accrued thereon after said forfeiture, or said college shall cease in its operations.

If College cease to exist, money to be refunded to the Academy

[Approved February 24, 1834.]

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CHAP. 514.—AN ACT to provide for repairing the state road leading from Prestonsburg, by way of Pikeville, to the Virginia line, and for other purposes.

Land warrants
appropriated to
Floyd county.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of three hundred and fifty dollars, in land warrants, be, and the same is hereby appropriated to improve that part of the state road in Floyd county that lies between the house of Thomas Whitten and the mouth of Ivy creek; and Thomas Whitten and Henry Stratton be, and they are hereby appointed commissioners to superintend the improving of the same.

To Pike county

Sec. 2. *Be it further enacted*, That the sum of three hundred dollars, in land warrants, be, and the same is hereby appropriated for the improvement of Card hill in Pike county; and George Powell and Thomas Owen, jr. be, and they are hereby appointed commissioners to superintend the improving of the same.

To Floyd.

Sec. 3. *Be it further enacted*, That the sum of two hundred and fifty dollars, in land warrants, be, and the same is hereby appropriated to the improvement of Abbot hill in Floyd county; and Samuel May and John Osbourne be, and they are hereby appointed commissioners to superintend the improving of the same.

To Floyd.

Sec. 4. *Be it further enacted*, That the sum of two hundred dollars, in land warrants, be, and the same is hereby appropriated for the improvement of John's creek in Floyd county, from its mouth to the mouth of Brushy fork; and James W. Turner and Charles W. Young be, and they are hereby appointed commissioners to superintend the improvement of the same.

To Perry.

Sec. 5. *Be it further enacted*, That the sum of five hundred dollars, in land warrants, be, and the same is hereby appropriated to improve the road from Perry court-house to the Floyd county line, in a direction to Floyd court-house; and Elijah Combs and Jeremiah Combs be, and they are hereby appointed commissioners to superintend the improving of the same.

County court
of Floyd to
transfer war-
rants in their
hands to com'rs

Sec. 6. *Be it further enacted*, That it shall be the duty of the county court of Floyd to hand over to James P. Harris and Stephen Hamilton the amount of land warrants remaining in their hands yet unappropriated, granted to them by virtue of an act of Assembly, approved the second of February, eighteen hundred and thirty-three, for the improving of the public

roads in Floyd county, and direct the clerk of said court to assign the same to the said Harris and Hamilton, who are hereby appointed commissioners to superintend the improving of the road from Floyd court-house to the Perry county line, in a direction to Perry court-house.

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SEC. 7. The commissioners aforesaid, appointed to superintend the improvements in the foregoing sections of this act, shall, before they enter on the duties required by this act, go before some justice of the peace, and make oath that he or they will faithfully discharge the duties required by this act, by making such improvements, on such road or creek, as the case may be, as in their judgment will be most advantageous to the country; and the commissioners aforesaid shall be allowed the sum of one dollar for each day's service that they may be engaged in superintending said improvement: and the register of the land office is hereby directed to issue to the commissioners appointed by the different sections of this act, the amount of land warrants so appropriated, in warrants of one hundred acres each, and issue patents thereon free of charge.

Com'rs. to be sworn.

Their duty.

SEC. 8. *Be it further enacted*, That the sum of one hundred and fifty dollars, in land warrants, be, and the same is hereby appropriated to improve the road in Pike county from the mouth of the Long fork on Shelby's creek, in a direction to Perry court-house; and Thomas May and James Roberts be, and they are hereby appointed commissioners to superintend the improving of the same; and the said commissioners and the register are hereby directed and required to be governed by the preceding sections of this act; and the commissioners aforesaid shall not dispose of the warrants for less than the state price.

Land warrants to Pike county.

SEC. 9. *Be it further enacted*, That each and every patent which may issue under authority of this act, and which may include any land heretofore appropriated or surveyed under authority of law, shall be absolutely and utterly void, to all intents and purposes—the warrants to be located in the said counties of Floyd, Pike, and Perry, and no where else.

Warrants not to be located on lands heretofore surveyed.

[Approved February 24, 1834.]

KK

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CHAP. 515.—AN ACT for the benefit of Spencer and Laurel Counties.

6,000 acres of
land west of
the Tennessee,
appropriated to
the Seminaries
in those coun-
ties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there is hereby appropriated to the counties of Spencer and Laurel, six thousand acres of land each, in the district west of the Tennessee river, for the endowment of their seminaries of learning; and it shall and may be lawful for the county courts of said counties to appoint each a commissioner, to be paid out of their respective county levies, to select the said land out of any unappropriated land in said district, when selections shall be made by sections, half or quarter sections, agreeable to existing surveys; and shall be entered with the receiver of said district, who shall certify the same to the register of the land office, who shall issue patents therefor; and which shall vest the said lands in the justices of the said county courts, and their successors in office; and the rents and profits of the same shall be by them applied to the purposes of education, and no other.

(Approved February 24, 1834.)

CHAP. 516.—AN ACT declaring the Bayou de Chien in Hickman County a navigable stream, from the Town of Moscow to Caldwell's Mill.

Bayou declared
navigable.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Bayou de Chien from the bridge at the town of Moscow, as high up as Caldwell's mill, is hereby declared a navigable stream, and shall remain open for all the purposes of navigation.

Penalty for ob-
structing.

SEC. 2. Be it further enacted, That should any person or persons hereafter fall any timber, or erect any mill or fish-dam in said stream, any such person or persons so offending, shall forfeit and pay fifteen shillings for every twenty-four hours that said obstructions may be permitted to remain in said stream; which sum may be recoverable before any justice of the peace for said county, by any person suing for the same: one half of said sum shall be for the use of any person suing for the same, and the balance applied towards lessening the county levy of said county.

Mode of recov-
ery.

[Approved February 24, 1834.]

CHAP. 517.—AN ACT to amend the Charter of the Maysville, Washington, Paris, and Lexington Turnpike Road Company, and for other purposes.

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SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the president and directors of the Maysville, Washington, Paris, and Lexington Turnpike Road Company, so to place their turnpike gates, as to be as near as may be at regular intervals of five miles, and not within a less distance than one mile of the improved part of any town now established by law; and this provision shall be complied with within three months from the passage of this act: *Provided*, That the turnpike gate between Maysville and Washington shall not be affected by this provision.

Gates to be placed as near as may be at regular intervals of 5 miles.

Proviso.

SEC. 2. *Be it further enacted*, That it shall not be lawful for any person or persons to burn, or attempt to burn any turnpike gate across any turnpike road, or any bridge across any stream in this commonwealth, or wilfully destroy, or attempt to destroy any such gate or bridge by any other means, and each and every person who shall wilfully burn, or attempt to burn any such turnpike gate or bridge, contrary to this act, shall be guilty of felony, and undergo confinement in the jail and penitentiary for a period not less than two years, and not more than five years: and any person procuring, aiding, or abetting any such offence, shall also be guilty of felony, and subject to the like punishment: and any person or persons who shall wilfully destroy, or attempt to destroy, by any other means than burning, any such turnpike gate or bridge, shall be guilty of a misdemeanor, and on conviction thereof, be punished by a fine of not less than fifty dollars, and not more than one hundred dollars, and stand committed to the jail of the county until the same is paid, and until all the damages sustained by said turnpike company, or the owners of any bridge, are fully paid such damages: and any slave or slaves, who shall be guilty of burning, or attempting to burn any turnpike gate or bridge as aforesaid, shall be deemed guilty of arson, and suffer the punishment inflicted by law for that offence when committed by a slave; and any slave or slaves, who may be guilty of destroying, or attempting to destroy, in any other mode than by burning, any such gate or bridge, shall be deemed guilty of a misdemeanor, and subject to corporal punishment, not exceeding thirty-nine stripes.

Made felony to burn a gate or bridge.

Punishment.

Accessaries to be punished as felons.

Misdemeanor to injure a gate or bridge.

Fine.

A slave who is guilty of burning a gate or bridge, to be punished with death.

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Misdemeanor
to destroy mile-
stones.

Fine.

Wagoners, &c.
not to feed on
the road.

Penalty.

Persons going
to church on
Sunday exempt
from paying
toll.

Also going with
a single horse to
mill.

Sec. 3. *Be it further enacted*, That it shall not be lawful for any person or persons to dig up, or break down, or otherwise destroy any mile-stone, or mile-post, or finger-board, on any incorporated turnpike road; and each and every person so offending, shall be guilty of a misdemeanor, and forfeit and pay to the president and directors of the company a fine of ten dollars and costs, recoverable before a justice of the peace; and any slave guilty of any such offence, shall be sentenced to receive not exceeding thirty-nine stripes.

Sec. 4. *Be it further enacted*, That it shall not be lawful for any owner or driver of any wagon, carriage, or other vehicle, to encamp or feed on the McAdamised part of any turnpike road in this commonwealth, under the penalty of paying the president and directors of the company a fine of five dollars, recoverable before any justice of the peace: and any slave offending against this provision, shall be sentenced to receive not more than twenty stripes.

Sec. 5. *Be it further enacted*, That hereafter there shall be no exemption from the payment of tolls, on any turnpike road, under pretence of going to any place of public worship, except on the Sabbath day, and to the usual neighborhood churches; and hereafter, persons going and returning from their usual neighborhood mills with a single horse and bag, shall be exempt from paying tolls.

(Approved February 24, 1834.)

CHAP. 518.—AN ACT concerning the Counties of Hardin and Meade.

Preamble.

Whereas, it appears to the present General Assembly, that in the late apportionment of representation among the several counties of this commonwealth, the counties of Hardin and Meade were improperly united, and that three members were allowed to said counties in the House of Representatives of this commonwealth: it also appearing that the number of voters in said county of Meade greatly exceeded the residuum of Hardin county, after allowing to her two of said three representatives: it is believed that said county of Meade, under the provisions of the constitution, should have been allowed one of said representatives: Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the county of Meade shall be entitled to one representative in the state Legislature, and the county of Hardin to two; and the said counties shall be, and are hereby separated in electing said representatives—elections in each to be conducted, and returns made as required by law in other counties.

1834.

Meade and Hardin separated as to their representation in the H. R.

(Approved February 24, 1834.)

CHAP. 519.—AN ACT to establish an Election Precinct in Hart County.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in addition to the places of voting now fixed by law, in the county of Hart, there shall be, and is hereby established an election precinct in said county, at Aetna Furnace, at the house of Thomas Holt, Esq.; and it shall be lawful for any of the qualified voters of said county to vote at the precinct hereby established under the restrictions and liabilities now imposed by law for voting twice at any election.

Precinct established and place of voting.

Sec. 2. *Be it further enacted,* That the county court of said county, at the time of appointing judges and clerks of elections, shall also appoint judges and clerk at the precinct hereby established; and the sheriff of said county, by himself or deputy, shall attend all elections to be held in said county at the said precinct, and conduct the same according to law—who shall, within three days after the close of any election, return his poll book to the clerk's office of said county court, in order to compare and ascertain the votes given for all the candidates voted for in said county.

Officers to be appointed.

(Approved February 24, 1834.)

CHAP. 520.—AN ACT for the benefit of Edward Leach.

Whereas, it is represented to the present General Assembly, that Nancy Leach has obtained a divorce from her husband, Edward Leach, in the Lincoln circuit court: Therefore,

Preamble.

KK*

LAWS OF KENTUCKY.

1834.

Divorced.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Edward Leach be restored to all the rights and privileges of an unmarried man.

(Approved February 24, 1834.)

CHAP. 521.—AN ACT to incorporate the Theological Seminary of the Protestant Episcopal Church in the State of Kentucky.

Preamble.

Whereas, it has been represented to the General Assembly of the Commonwealth of Kentucky, that there is a seminary of learning at Lexington for the purpose of educating young men for the ministry of the gospel, sustained by members of the Protestant Episcopal Church, and open to all classes of persons whatsoever; and whereas, it is the interest of the state to encourage the education of young men in all the learned professions within its own borders:

Trustees appointed.

SEC. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the said seminary of learning shall be denominated and known by the name of the Theological Seminary of the Protestant Episcopal Church in the State of Kentucky; that it shall be open for the instruction of citizens of every class, and that it shall be under the management of the Right Reverend B. B. Smith, Bishop of the Protestant Episcopal Church in the State of Kentucky—who shall be styled and known as the Rector of said seminary, and of the Rev. D. C. Page, the Rev. Amos Cleaver, the Rev. John A. Adams, A. K. Smedes, Esq., and John E. Cooke, M. D., who are hereby constituted the Trustees thereof. The said trustees and their successors, by the name of the Trustees of the Theological Seminary of the Protestant Episcopal Church in the state of Kentucky, shall be a body politic and incorporate, and as such forever exist. The said Rector shall be chairman of the board of trustees, and when in meeting, his power shall be equal to that of one of the trustees: being thus constituted, they or a majority thereof shall form a quorum, who are authorised to pass such ordinances and by-laws, by a majority concurring therein, as are not contrary to the constitution of the United States, that of this state or the laws thereof, for the use and benefit of said seminary: Provided, however, That if the said Rector,*

By-laws.

from any cause whatever, should not be present at a meeting of said trustees, which shall take place at least once a year, or oftener, if they think proper, the said trustees, or a majority thereof, may appoint a chairman *pro tempore*, who shall, for the time being, substitute the said Rector. The said trustees and rector shall keep a book or books, and enter therein their proceedings, which shall be open to the inspection of all concerned. The said trustees may have a seal, on which any device or inscription may be impressed which they shall think proper, and may alter or break the same at pleasure.

1834.

To keep a record of their proceedings.

Have a common seal.

SEC. 2. *Be it further enacted*, That the said trustees thus constituted, shall be called and known by the name of the Trustees of the Theological Seminary of the Protestant Episcopal Church in the State of Kentucky; by that name may sue and be sued, implead and be impleaded, before any court of record, judges or justices of the peace, or body created by law, having jurisdiction of the subject matter about which the said suit or suits may be. The said trustees may receive any conveyance, gift, devise, or bequest; make any contract, buy, sell, convey, &c. in this their corporate capacity; and have the same power that bodies created by law have, consistent with the objects of this institution: *Provided*, That the rents and proceeds acquired by this corporate body, shall at no time exceed the amount of five thousand dollars per annum. The said trustees shall hold their station for one year, and until their successors are appointed. The rector, once every year, shall nominate other trustees, or the same if he should think proper, to the Convention of the Clergy and Laity of the Protestant Episcopal Church in the State of Kentucky, who, if approved by convention, shall be the trustees for the year ensuing; and this power may be exercised by him every year thereafter, or by his successor or successors to the bishoprick; and in case of the removal, resignation, or death of either of the said trustees, his place may be supplied by an appointment made by the said bishop, or successor, or successors, who may also become rectors of said seminary, and act and do as the said B. B. Smith is empowered by this act to do.

Incorporated.

Their powers.

Successors to be appointed.

Perpetual Rectors.

SEC. 3. *Be it further enacted*, That the lot of land on which said seminary is situated, and the buildings and other property thereon, shall be exempt from all state taxation whatsoever.

Property exempt from taxation.

1834.

To appoint professors, &c.

Proviso.

Not to establish branches of learning.

No other institutions to establish professorships out of their county.

Sec. 4. *Be it further enacted*, That the said rector and trustees shall have power to constitute and appoint the necessary professors and teachers, to instruct the students of said seminary in all those branches of sacred learning usually taught in theological seminaries; which professors and teachers shall be capable of exercising such powers and authorities as said trustees shall delegate to them for the instruction of the students, and the wholesome and faithful government of said seminary: *Provided, however*, That it be reserved to the Legislature of this Commonwealth to withdraw the powers of incorporation from this institution, whenever they conceive the trusts and confidence abused that are herein reposed: but as no funds have ever been given to this seminary by this Commonwealth, so none are to be taken away in the event of the withdrawal of the corporate capacity.

Sec. 5. It shall not be lawful for said theological seminary to establish any other branches of learning than that herein provided for; nor shall it be lawful for it, or for any other college, seminary, or university in this state, to constitute professorships, or establish any branch of learning, out of the county in which such seminary, college, or university may be located; and all such, so established, are to be taken and considered as against law and void.

(Approved February 24, 1834.)

CHAP. 522.—AN ACT to amend the law concerning Executions.

Lands sold under executions that are endorsed may be redeemed.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That sheriffs and other officers, in proceeding under executions for notes of any bank, or executions endorsed, that notes of the Bank of the Commonwealth, or notes of any other bank, will be received in satisfaction thereof, shall, as respects the valuation and sale of land, be governed by the rules and regulations applicable to proceedings under executions not endorsed; and the defendant in any such execution shall have the same right to redeem lands which may be sold under execution so issued or endorsed, as he would have had provided the sale was made under execution not endorsed.

Lands purchased by the Com.

Sec. 2. *Be it further enacted*, That where any lands may have been sold in satisfaction of any debt due the

Bank of the Commonwealth of Kentucky, and purchased in by any agent or other person for the use and benefit of the state, which land has not been disposed of by said bank, it shall be lawful for the person or persons, their heirs, executors, or administrators, whose lands may be sold, within twelve months from this date, to redeem said land, by paying over to the agent who may have purchased the same, or into the treasury of this state, the amount for which said land may have been sold, together with ten per centum per annum thereon from the date of sale, and also the balance or amount of any debt due by such person to the said bank: and any writing executed by said agent or treasurer of this state, under seal, shall be evidence of such redemption, and used in any court in this Commonwealth to prove that fact.

1834.

bank, may be redeemed.

[Approved February 24, 1834.]

CHAP. 523.—AN ACT to establish an Election Precinct in Shelby County.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of Shelby county within the following bounds, to wit: Beginning at the west corner of the Christiansburg precinct, and running south to Bailey's precinct, thence east with said precinct to the Anderson county line, thence with the Shelby, Anderson, and Franklin county lines to where the Christiansburg precinct strikes the Franklin county line, thence with the said Christiansburg precinct line to the beginning, shall constitute an election precinct in the county of Shelby, called and known by the name of the Union precinct; and all qualified voters residing within said precinct, may vote in all legal elections at the house of James Guthrie, on the turnpike road: *Provided*, It shall be lawful for any of the qualified voters residing within said precinct to vote at the court-house of said county, if they shall so elect.

Boundary of Union precinct.

Place of voting.

SEC. 2. The county court of Shelby, at the time they appoint judges and a clerk of elections at the court-house, shall also appoint judges and a clerk to take the votes in said precinct, and the sheriff or his deputy shall attend at the place herein appointed for holding the elections in said precinct, and conduct the same.

Officers to be appointed.

1834.

Votes to be
compared.

SEC. 3. The sheriff of Shelby county shall cause the votes taken at said precinct to be carefully compared with the votes taken at the court-house and other precincts of said county, and make return according to law.

[Approved February 24, 1834.]

CHAP. 524.—AN ACT further to define the powers of the Trustees of the Town of Maxville, in Washington County.

Authorised to
lay and collect
taxes.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of the town of Maxville, in Washington county, and their successors in office, are hereby vested with full power and authority to levy, annually, an ad valorem tax on the real and personal property of said town, not exceeding in any one year the sum of ten cents on each one hundred dollars worth of property; and they shall also have the right to levy and cause to be collected, a tax on each tithe in said town, not exceeding in any one year, the sum of one dollar and fifty cents, to be appropriated by them to such purposes as they may deem most advantageous to the improvement of said town.

Assessor to be
appointed, and
his duty.

SEC. 2. *Be it further enacted*, That it shall be the duty of said trustees, within twenty days after their election in each year, to appoint some suitable person assessor of the property of said town, who shall take an oath before some justice of the peace faithfully to perform the duties assigned him by the provisions of this act; who shall immediately proceed to take a list of the property of all the citizens of said town subject to taxation, listing only such property as is subject to taxation by the general laws of this commonwealth; and as soon as the assessment shall be made, the assessor shall return a complete list to the board of trustees; and if any person shall feel himself aggrieved on account of the valuation of his property, he may apply to the board of trustees for a correction of the same; and if the board of trustees shall be satisfied that any list of property so taken and returned shall have been valued too high, it shall be their duty to correct the same, and affix such valuation thereon, as they may think right and just.

Trustees may
correct the as-
sessment.

SEC. 3. *Be it further enacted,* That the board of trustees shall cause their clerk to make out a complete list of the property so assessed, and declare the amount of ad valorem tax which shall be collected thereon: *Provided,* The same shall not exceed the sum of ten cents on each one hundred dollars—and deliver the same to a collector, to be by them appointed, who shall have the right to collect the same in the same manner that sheriffs collect the revenue of this commonwealth, and shall be subject to the same pains and penalties that sheriffs are now liable to; and said collector shall execute bond with sufficient security, in such sum as the board of trustees shall direct, for the faithful discharge of his duty; and said board shall make the assessor and collector such allowance for their services as they may deem just.

1834.

List to be made out and taxes collected.

Collector to give bond—and may be proceeded against if in default.

SEC. 4. *Be it further enacted,* That said trustees may make such by-laws, rules and regulations for the welfare and good government of said town, as they may think proper, provided they be not inconsistent with the constitution and laws of this State or of the United States.

Trustees may make by-laws.

Sec. 5. *Be it further enacted,* That the trustees of the town of Maxville, and their successors, are hereby invested with power and authority to make deeds of conveyance to all lots which may be sold within the bounds of said town.

To execute deeds for lots sold.

(Approved February 24, 1834.)

CHAP. 525.—AN ACT for the benefit of Isaac Cunningham and Mathew Thompson, the late and present Sheriffs of Clarke County, and concerning the collection of the Revenue Tax and County Levies in said County.

Whereas, it is represented to this General Assembly, that the official term of Isaac Cunningham, late sheriff of Clarke county, expired on the fourth Monday in May, 1833, and that the said Cunningham, as sheriff aforesaid, gave bonds in the Clarke county court for the collection of the revenue tax falling due on the first of June, 1833, and of the county levies collectable in said year, and due on the first day of October, 1833, in said county; and that as sheriff aforesaid, the said Cunningham proceeded to the collection of said revenue tax and county levies: and whereas, it also ap-

Preamble.

1834.

pears that said Cunningham served as sheriff the fall term of two years, and during said term collected the revenue tax and county levies for one year only, inasmuch as for the first of said years his predecessor in office collected the revenue tax and county levies then due and payable: and whereas, doubts are entertained as to the legality of the actings of said Cunningham in the collection of said revenue tax and county levies payable in the year 1833:

Late sheriffs act
in collecting re-
venue & county
levy for 1833
legalized.

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky*, That the acts so done and performed by the said Cunningham, in the collection of said revenue tax and county levies, payable and collectable in 1833, shall be, and the same is hereby legalised; and the said Cunningham shall be, and he is hereby authorised to collect the arrears of revenue tax and county levies due for said year, in such manner, and under such penalties, as sheriffs are by law authorised and required to do in other cases.

Further pream-
ble.

And whereas, it is also represented, that Matthew Thompson is the present sheriff of said county, and that his official term commenced on the fourth Monday in May, 1833, and doubts are entertained, whether as sheriff aforesaid, the said Thompson will be authorised to collect the revenue tax falling due on the first June, 1835, and the county levies falling due on the first October, 1835, in said county; and it is deemed reasonable that said Thompson and his successors in office shall each collect the revenue tax and county levies for two years:

Present sheriff
to collect for the
year 1835.

Sec. 2. *Be it therefore further enacted*, That said Mathew Thompson, as sheriff aforesaid, be, and he is hereby authorised to collect the revenue tax and county levies, payable in said county during the year 1835, just as though his official term as sheriff comprised the whole of the said year; and that the successors in office of said Thompson, as sheriff, shall each collect the revenue tax and county levies falling due, in two consecutive years, as though both of said years were comprised in his official term; so that each of his said successors shall collect the revenue tax and county levies payable in the year next succeeding the expiration of his official term: but said Thompson and his successors shall execute bonds for the collection of said revenue tax and county levies so payable in the years next succeeding the expiration of their official terms respectively, in

To execute
bond therefor.

the same manner as is provided for by law in regard to the collection of revenue tax and county levies, payable during the continuance of their official terms. 1834.

[Approved February 24, 1834.]

CHAP. 526.—AN ACT to repeal the law making it the duty of the Ferry-keeper at the mouth of the Kentucky River, in Gallatin County, to ferry all qualified voters at Elections, free of charge.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the law passed at the last session, making it the duty of the ferry-keeper at the mouth of the Kentucky river, to ferry all qualified voters, at all general elections, free of charge, be, and the same is hereby repealed.

[Approved February 24, 1834.]

CHAP. 527.—AN ACT to legalize certain proceedings of the Fayette County Court.

Whereas, it is represented to the present General Assembly, that Asa Thomson, the present sheriff of Fayette county, executed a bond with the appropriate securities, before the county court of Fayette county, at the February term, in the year 1834, providing for the collection of, and accounting for the public revenue of the county of Fayette; and doubts being entertained whether said bond should not have been entered into at the January term of said court; and it appearing that the said sheriff and his securities desire that the said proceedings of the county court may be legalised, and said bond have the same force and effect as though the same had been entered into at the January court: Therefore,

Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proceedings of the county court of Fayette, at the February court, 1834, receiving and approving of the bond of the sheriff thereof, providing for the collection of the public revenue—and the said bond shall, in all respects, be legalised, and have the same force and effect as though they had been done at the January court, in the year 1834.

Bond taken from the sheriff at February term 1834 legalised.

(Approved February 24, 1834.)

1834.

CHAP. 528.—AN ACT to incorporate the Mechanics' Fire Engine and Hose Company, of Louisville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Benjamin G. Wier, Philip R. Gray, William Wolford, and their associates, shall be, and they are hereby created a body politic and corporate, by the name and style of the Louisville Mechanics' Fire Engine and Hose Company; and as such, shall have perpetual succession, and be capable in law of contracting and being contracted with, of suing and being sued, pleading and being impleaded, in any action or suit, and in any court whatever; and they may have and use a common seal, and change the same at pleasure.

To purchase
an engine and
hose.

May purchase
ground, &c.

Their duties.

May make by-
laws

Officers.

SEC. 2. They shall have a right to purchase, take, and hold a fire engine and hose, and the necessary apparatus and tools for the use and repair of the same; and when convenient, the same to sell and convey, and to purchase and hold other engines, &c.; and they may also purchase and hold in the city of Louisville, as much ground as will be required for a convenient engine house, and place to transact their business; and it shall be their duty to organize themselves as a fire company, and keep an engine, hose, and necessary dependent apparatus for extinguishing fire at all times, in good order and repair; and on an alarm of fire, to repair to the same with their engine, &c., and use all the diligence and power they can employ to the extinguishment of the same; and they shall do and transact no other business than what belongs to a Fire Engine and Hose Company.

SEC. 3. That it shall be lawful for said company to make all needful rules and by-laws, with adequate penalties, for the government of the company, and the preservation of the property of the same, that they may deem proper, not contrary to the laws of this, or the United States.

SEC. 4. That the management of the property of said company, and its government, shall be under the direction of a president, vice-president, and eight directors, chosen at such time and place, and by such persons as the by-laws of the company shall direct; and they may have a secretary and treasurer, and keep a record of their proceedings.

SEC. 5. That the members of this company to the number of one hundred, shall be exempt from militia

duty, except in time of war; and they shall, to the number of twenty-five, be exempt from serving on all juries, except grand juries and venires: and the exemption shall not extend to any one individual more than one year, until all the other members of the company shall have enjoyed the exemption a year, which the company may regulate among themselves, and annually furnish the sheriff and marshal a copy of the lists of exemptions for the year: and the Legislature reserves the right to repeal or modify this charter.

1834.

Members of the company to the number of 100 to be exempt from militia duty, &c.

Right to modify charter reserved.

SEC. 6. That whensoever an act of incorporation shall be needed by any other fire company in the city of Louisville, it shall be lawful for the persons desiring the act of incorporation, to petition the mayor and council, in writing, stating their desire to form a fire company, and the name by which they wish their company designated; and the mayor and council may, if they approve the formation of the company, direct the petition to be entered on their records with their approval: and thereafter the said petitioners, with their associates and successors, shall be a body politic and corporate, by the name and style stated in their petition, and vested with all the powers and privileges given by this act to the Louisville Fire Engine and Hose Company, and subject to the like limitations and restrictions.

The mayor and council authorised to incorporate other companies.

(Approved February 24, 1834.)

CHAP. 529.—AN ACT amendatory of the several acts relating to the town of Newport, in Campbell County.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the county of Campbell, as is included within the present boundaries of the town of Newport, shall be, and is hereby declared to be an incorporated town, and the inhabitants thereof are created a body corporate and politic, with perpetual succession, by the name and style of "the town of Newport," and as such by that name shall be capable in law of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever; and may have and use a corporate seal, and change, alter and renew the same at pleasure.

Town incorporated.

1834.

Mayor and
trustees to be
elected.

SEC. 2. *Be it further enacted,* That the fiscal, prudential and municipal concerns of the said town, with the government and control thereof, shall be vested in one principal officer, to be denominated the Mayor, and in six persons, to be called Trustees, who, together with the Mayor, shall form a board to be denominated the board of Mayor and Trustees; all of whom (Mayor and Trustees,) shall be elected for the first time on the first Monday in March next, by a majority of the free white male inhabitants of said town, being of lawful age, and residents for six months prior to the election, and citizens of the United States, each voter giving his vote *viva voce*; but in every other respect the said first election to be governed by the laws now in force in said town in relation to the election of Trustees; and the Trustees elected under this act shall hold their offices for one year, from the date of their election, and until their successors shall be duly elected and qualified; and the Mayor shall hold his office for one year, and until his successor shall be so duly elected and qualified; all of whom (Mayor and Trustees) shall have resided in said town, and owned real estate therein for one year next preceding the election, and be citizens of the state of Kentucky.

Town to be laid
off into wards.

SEC. 3. *Be it further enacted,* That it shall be the duty of the board of Mayor and Trustees, who shall be first elected under this act, to lay off said town into two wards, for the purposes herein named, as nearly equal as possible, as to number of inhabitants, improvements and permanent boundaries; each of which wards shall be entitled to elect three Trustees, to be members of the board of Mayor and Trustees; and it shall be the duty of the said Board of Mayor and Trustees from time to time, to alter the boundaries of the wards, so as to equalize the number of inhabitants in each, as nigh as may be, but such alteration shall not be made, except on a general census of all the inhabitants of said town being previously taken.

The annual
election of mayor
and trustees.

SEC. 4. *Be it further enacted,* That on the first Monday in March in every year succeeding the first election above provided for, the free white male inhabitants of said town, over the age of twenty-one years, who at the time being are citizens of said town, and have paid their poll tax to said town, chargeable to them for the year next preceding the election at which they claim to vote, and who shall have *bona fide*, resided therein for the space of six calendar months previous

1834.

to said election, shall meet in the wards in which they respectively reside, and vote for the Trustees such ward shall be entitled to elect, and for a Mayor; and it shall be the duty of the board of Mayor and Trustees previously elected, to appoint three suitable persons in each ward as inspectors of the election, and to furnish them with a warrant, signed by the clerk of the board of Mayor and Trustees, directing the said inspectors, or a majority of them to hold the election on the day by this act prescribed, commencing by the hour of ten o'clock, A. M. of said day, and to continue the election open until five o'clock, P. M. and in other respects to govern the said election, in the same manner as other elections in this state are conducted. Notice of the time and place of holding the election in each ward, shall be published in one of the newspapers printed in said town, or be posted up at two or more public places therein at least five days before the election, which notices shall be signed by the clerk of the board of Mayor and Trustees; on the closing of the polls at the hour above mentioned, the said inspectors shall declare the same; and the three persons in each ward having the highest number of qualified votes, shall be declared duly elected Trustees for such ward. The vote given for Mayor shall be added up by the inspectors, and be returned by them to the clerk of the board of Mayor and Trustees, with the list of the polls of Trustees, which list shall be certified by a majority of said inspectors, and sworn to as just and true returns of the election; which oath may be administered by the Mayor of said town then in office, or by any justice of the peace for Campbell county. The return of the votes so made, shall be received by the said clerk, and duly recorded in a book to be kept for that purpose; and it shall be the duty of the board of Mayor and Trustees, to add up the votes from both wards for Mayor, and the person having the highest number of votes, shall be declared to be duly elected Mayor of said town, for one year from the time of his election, and until his successor shall be elected and sworn into office; and the Mayor and Trustees thus elected, shall be notified thereof immediately, by the clerk of the board of Mayor and Trustees.

SEC. 5. *Be it further enacted*, That the Trustees so elected as aforesaid, shall enter upon the duties of Mayor and trustees to be sworn.

L.L.

1834. their offices on the Thursday succeeding the first Monday in March, in the year in which they are elected—and the Mayor within three days after receiving his commission; but before they enter upon the duties of their respective offices, they shall be sworn to support the constitution of the United States, and of this state, and that they will well and truly discharge the duty of Mayor or of Trustee of said town—which oath may be administered by any judge of any court of record in this Commonwealth, by the Mayor of said town then in office, or by any justice of the peace of the county of Campbell; and an entry shall be made on the journal or records of the board of Mayor and Trustees by the clerk of said board, that said oaths have been duly administered.

The mayor and trustees to form one board.

To appoint a clerk.
His oath and duty.

A quorum.

Sec. 6. *Be it further enacted*, That the Mayor and Trustees thus elected and qualified, shall form and constitute the board of Mayor and Trustees as aforesaid, and they shall sit and act together as one body; at all meetings the Mayor, if present, shall preside, but in his absence, the Trustees may elect a chairman for the time being, from their own body; the said board shall choose a clerk, who shall be sworn to the faithful discharge of the duties of his office, which he shall hold for one year, and until another shall succeed him, removable however at the pleasure of the board of Mayor and Trustees, and he shall be denominated "the Clerk of the Town;" it shall be the duty of said clerk to keep a journal or record of the proceedings of said board of Mayor and Trustees; he shall sign all orders by them issued, and all by-laws and ordinances by them passed, and do all acts that may reasonably be required of him; he shall deliver over all books and papers entrusted to him, to his successor in office, immediately on his successors being chosen and qualified, or whenever he shall be thereto required by the board of Mayor and Trustees; in all meetings, three Trustees and the Mayor, or in his absence, four Trustees shall form a quorum to do business, but in levying the taxes, or in the election of any officer of the town, or in passing any by-law or ordinance, four Trustees shall concur; or when three Trustees are found voting in the affirmative, the Mayor may be called upon to vote, and in case of his voting in the affirmative, the measure shall prevail: *Provided, however*, That the quorum shall have the power to compel the attendance of absent members, under such rules

as may have previously been prescribed by the said board; the said board shall meet at such place, and at such time as they may appoint in said town, but their deliberations and acts shall be public.

1834.

Sec. 7. *Be it further enacted*, That the Mayor of said town shall be the chief executive officer thereof, and he shall not receive any salary, or pay other than the fees of his office; he shall keep a fair record of all his proceedings, and make out and deliver to persons entitled thereto, and calling for the same, fair transcripts thereof, demanding such fees therefor as justices of the peace are now entitled to for similar services; it shall be his duty to be vigilant and active, at all times, in causing the laws and ordinances of said town, and the laws of this state, to be duly executed, and put in force; it shall be his duty to inspect the conduct of all subordinate officers of said town, and as far as is in his power, to cause all negligence, carelessness and positive violations of duty to be duly prosecuted and punished; he shall keep the public seal of said town, and shall keep an office at some convenient place therein, and have power to administer oaths; he shall have power to summon a meeting of the board of Trustees at any time, and as often as he may deem advisable, notwithstanding they may have adjourned to a more distant day; when present he shall preside at all meetings, and in case of a tie on any question, he shall give the casting vote, but he shall not otherwise have a vote in the board, except in the cases herein before mentioned. It shall be his duty from time to time to communicate to the board, all such information, and recommend all such measures, as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort and ornament of said town; he shall, in his judicial capacity, have exclusive original jurisdiction in all cases for the violation of the ordinances of said town, and civil and criminal jurisdiction in all cases, where by the laws of this state, justices of the peace within the county of Campbell, are now, or shall hereafter be authorised to hear and determine, or in any manner have power to act; and as to committing criminal offenders, and sending them on for further trial, he shall have the power of two justices of the peace; and for the due and efficient exercise of the powers herein, and hereby vested in him, he shall have power, and it shall be lawful for him to award all such process, and issue all

The powers and
duties of the
mayor.

1834.

such writs as may be necessary to enforce the due administration of right and justice throughout said town, and for the lawful exercise of his jurisdiction, agreeably to the usages and principles of law: *Provided*, That in all cases where said Mayor shall render judgment, of which, by law, the justices of the peace for the county of Campbell would have had jurisdiction, the party feeling himself or herself aggrieved by the decision, judgment or determination of said Mayor, shall have the same right to appeal to the county or circuit court of Campbell county, under the same conditions, restrictions and limitations as appeals are now taken from the judgment of justices of the peace, and be tried in the same manner that appeals from the judgment of justices of the peace are tried.

Mayor may
take acknow-
ledgement of
deeds.

Copied to place.

And take de-
positions.

His fees.

SEC. 8. *Be it further enacted*, That the Mayor of said town shall have the same power and authority to take the acknowledgment of deeds and powers of attorney, and to take the privy examination of *feme covert*s, and certify the same, that the clerks of the several county courts have, within this Commonwealth; and his certificate shall authorise the recording thereof in like manner, and he shall have, and be entitled to receive a fee of fifty cents, for each certificate so made; he shall also have power to examine witnesses under *dedimus*es, from any court within this, or any other of the United States, or foreign country, and he shall be entitled to receive a fee of one dollar, for each witness so examined; and in all cases where he shall affix the seal of the corporation to any document, by request, he shall be entitled to receive a fee of fifty cents; he shall also have power and authority to take depositions, in all other cases where justices of the peace are now authorised by law to take the same; and for the performance of such duties, and the exercise of such powers, as come within the jurisdiction of justices of the peace for the county of Campbell, said Mayor shall be entitled to demand, and receive the same fees and no more, as are allowed by law to justices of the peace, except in those cases differently provided for by this act; and in all cases arising under the by-laws or ordinances of the said board of Mayor and Trustees, the said Mayor may charge, demand and receive such fees and no more, as shall have been previously allowed by an ordinance of said board, or shall be allowed at the time any ordinance is passed; and he shall have the same right in all cases tried be-

fore him, and for all services by him rendered, to issue his fee bills, and collect the same as justices of the peace now have.

1834.

Sec. 9. *Be it further enacted*, That the board of Mayor and Trustees, shall have and possess all the powers and authority heretofore vested in the Trustees of Newport, either by the general laws of this Commonwealth, or the particular laws now in force, in respect to said town, with power and authority to adopt the by-laws, and ordinances of said town; and the same to repeal, alter and amend, as to them shall seem best, and they shall have full power and authority to pass such by-laws and ordinances for the government of said town, with adequate penalties thereto, as they shall from time to time deem expedient, not contrary to the constitution of this state, or the United States. The said board of Mayor and Trustees shall have the power and authority to appoint and employ as many Watchmen, either for the day or night, as in their discretion they shall judge best, for the safety and advantage of said town; and such Watchmen shall be conservators of the peace, and vested with power and authority to apprehend all felons, gamblers, rioters, breakers or disturbers of the peace, vagrants, persons of evil fame, and of riotous, disorderly conduct, and to carry them, with such evidence as they may possess, before the Mayor, or some justice of the peace, to be dealt with according to law; and if such apprehension be in the night, then to the Watch house until morning; they shall also be vested with the power and duty of patrolers.

Mayor and trustees to have the powers heretofore possessed by the trustees of said town.

May pass by-laws.

Be conservators of the peace, &c.

Sec. 10. *Be it further enacted*, That the board of Mayor and Trustees of said town, shall have the power to purchase and hold real and personal estate within the limits of said town, for corporation purposes. They shall have the power and authority to borrow money on the credit of the corporation, not to exceed one thousand dollars in any one year, and to pledge any of the corporation property for the payment of the same; or the future taxes of the said town, for the payment of the interest thereon. They shall also have power and authority to appoint inspectors of beef, tobacco, whiskey, pork, butter, lard, &c.; to provide against fraud thereon, and to make such by-laws and ordinances, as shall be necessary to carry the same into effect, and to punish breaches thereof. They shall have power and authority to appoint one

May hold real estate.

Borrow money.

Appoint inspectors.

1834.

Proviso.

Organize Fire
companies.Erect a work
house.

or more health officers, to establish regulations necessary and proper to prevent the introduction of any disease, and to eradicate the same, when it shall have made its appearance in said town: *Provided, That* nothing herein contained, shall be construed to give any power to establish any regulation, inconsistent with the constitution and laws of this state, or to prevent the Legislature from changing, by law, any regulation which may be made by said corporation on this subject, or in relation to inspections. They shall have power and authority to organize fire companies in said town, and to authorize a suitable number of able bodied persons to act as firemen, who shall be exempted from serving in the militia, or on juries, during the time they are attached to said company; and shall have power to make all necessary by-laws, to punish any member of said company, or any inhabitant of said town, for disorderly conduct, or improper behaviour during the time of fire. They shall have the power, and may procure or erect a suitable building for a work house, and pass suitable by-laws for the government of the same; and until such work house can be procured or erected, they may use the county jail in said town, for that purpose: *Provided, The same does not interfere with the safe keeping of persons confined therein, under the laws of this Commonwealth.* They shall have power and authority to confine in said work house, common beggars, vagrants, and other persons who may be sentenced for short periods of confinement, by justices of the peace, or the Mayor of said town; or persons who may be fined by justices of the peace, or the Mayor, or by juries under their direction, for violations of the penal laws of this state, or for violation of the ordinances of said town, where they shall be employed at such labor, and made to perform such tasks, as shall be directed by the ordinances of said town. Persons committed to the work house, shall be sent there by warrants, either of the Mayor, or justice of the peace as aforesaid, and discharged by the overseer, on the expiration of the time for which they were sentenced; the board of Mayor and Trustees shall have the power, whenever they shall deem it expedient, to order such person or persons as may be confined in the work house, to work out his, or their time, on the streets or alleys, or any public work in said town, at the same rate as if they had continued at the work house.

1834.

They shall have power and authority, whenever the public safety or convenience may require it, to prohibit dogs from running at large in said town; and they may require the abatement and removal of nuisances of every kind, within the limits of said town, under such regulations as they may prescribe by ordinance. The said board of Mayor and Trustees, shall have power and authority to assess, levy, and collect taxes on real and personal estate in said town, which shall be uniform on every description of property assessed; but not exceeding thirty cents annually, on each one hundred dollars of property valued: *Provided*, That they shall only tax such real and personal estate, as are now subject to taxation by the revenue laws of this Commonwealth; they shall have the right to tax, and the exclusive right to license all taverns, groceries, victuallers, confectioners, and houses of public resort, except gambling houses, or houses of ill fame, within said town, but tavern keepers shall be liable to the revenue tax; they shall also have the right to license and regulate all carts, wagons, drays, and hackney coaches, and porters, which maybe plying in said town for hire; they shall also have power, whenever in their opinion the public interest require it, to levy and collect taxes on dogs in said town, which taxes shall be collected by the town collector, and paid into the town treasury. And all taxes by this act allowed to be raised from real and personal property in said town, shall be levied, assessed, and collected in the manner prescribed by an act, entitled, "an act to amend the laws, defining the powers of the Trustees of the town of Newport, approved January 12, 1830," except as far as the same is altered by this act; and all affidavits, and other matters required by said act to be made or done by the Trustees of Newport, shall, and may be made and done by a majority of the Trustees elected under this act, or by the Mayor and three Trustees; and the assessors and collector appointed by the board of Mayor and Trustees, shall proceed in the manner and mode in the assessment and collection of taxes, as are required by said recited act, except as far as the same may be altered by this act. The said board of Mayor and Trustees, shall have the power to regulate the manner in which other taxes allowed by this act to be levied, shall be collected; and the lists herein before required to be made out by the assessors appointed under this act,

Levy and collect taxes.

Licence taverns, &c.

Licence hacks.

Tax dogs.

How taxes are to be assessed.

1834.

shall be extended, to include all free males over the age of twenty-one years, and all slaves, with the value of each—taverns, grocers, victuallers, and confectioners, and houses of public resort, except gaming houses, and houses of ill fame; hacks, drays, carts, wagons, hackney coaches, and porters, plying in said town for hire; and when said list shall be completed, and returned to the board of Mayor and Trustees, they shall give a reasonable notice that any inhabitant of said town may examine the same; and if any one shall feel aggrieved thereby, in an excess of valuation, application may be made to the board of Mayor and Trustees, and on proof being made to their satisfaction, the valuation may be changed: *Provided*, The application is made within the time prescribed by them; after which, no abatement or change shall be made. The board of Mayor and Trustees shall levy the taxes for the current year, and every succeeding year: *Provided*, The same shall not exceed thirty cents, in each year, on each hundred dollars of such valuation, on such real and personal estate as are subject to taxation by the revenue laws of this Commonwealth. They shall also levy a tax on the free male inhabitants of said town, except paupers, at a ratio not exceeding one dollar on each; and when the said tax is made out and fixed, as herein provided for, a copy of the assessor's books, together with the amount of taxes to be collected, shall be delivered to the person appointed by said board of Mayor and Trustees, collector for the town, whose duty it shall be to proceed to the collection of the taxes, in the mode and manner herein provided; bond with good security, in an adequate penalty, shall be taken from the person appointed collector, before he enters upon the duties of his office, which bond shall be payable to the town of Newport; and conditioned to pay over to the treasurer of said town, or to the order of the board of Mayor and Trustees, all sums placed in his hands for collection. The board of Mayor and Trustees shall have power to remove said collector at pleasure, and for any failure in the performance of the duties required of him, he, and his securities, shall be liable on their bond, to judgment, for such failure, with ten per cent interest and costs thereon; and such judgment may be obtained before the Mayor, or in the Campbell circuit court, by the treasurer of said town, or by such person as said board of Mayor and

Proviso.

Town collector,
his duty, &c.

To give bond.

May be removed
from office.

Liable in his
bond.

Trustees may appoint; and five days notice of such motion shall be sufficient; and on execution issuing on such judgment, there shall be no replevin or valuation of property. No theatrical, or other show, shall be opened or held within the limits of said town, unless the same shall be licensed by the Mayor, or in his absence by the clerk of the town; and he shall have the power of taxing the same according to the magnitude thereof; and the board of Mayor and Trustees shall pass by-laws or ordinances, regulating the same. The board of Mayor and Trustees, shall have power to erect or procure one or more suitable buildings, beyond the present limits of the town, as powder magazines, to provide suitable carriages for the conveyance of gunpowder; and to pass by-laws or ordinances to prohibit the introduction of gunpowder into said town, with penalties for breaches thereof, in addition to the forfeiture of the powder so introduced.

1834.

Shows may be taxed.

Magazines may be erected.

Sec. 11. *Be it further enacted,* That the circuit court of Campbell county, shall have jurisdiction to try persons taken up in said town as vagrants, and recognized to appear in said court, or committed to jail until the sitting of said court by any justice of the peace, or the Mayor of said town, under the present laws of this Commonwealth, in relation to vagrants; and the said court shall have power to sentence any such vagrant to the work house of said town, for a period not more than six months, to be ascertained by a jury; and all persons convicted for violating the ordinances of the town, and failing to pay the fines assessed against them by reason thereof, shall be confined in the said work house, at labor, until such fines are paid, at fifty cents per day; and all slaves found hiring their own time in said town, for more than two weeks at any one time with consent of their master or owner, shall be subject to confinement in said work house, under the order of the Mayor for three months: *Provided,* That the master, owner, or hirer, of such slave or slaves, be first summoned to shew cause, if any he or she can, why it shall not be done. And fines for disturbing religious worship, for riots, routs, unlawful assemblies, and breaches of the peace, within the said town, may be assessed by a jury before the Mayor, to one hundred dollars; or to confinement in the work house not exceeding two months. And all fines assessed before the Mayor or before justices of the peace, within said town, under

Campbell circuit court to try vagrants, &c.

Persons failing to pay fines to be confined in the work house.

Slaves hiring themselves to be confined in the work house.

Persons guilty of riots, &c. may be sentenced to the workhouse.

1834. the penal laws of this Commonwealth, or under by-laws or ordinances of said town, shall be paid to the treasurer of said town, or to such person as the board of Mayor and Trustees shall appoint to receive the same for the use and benefit of said town.

May hold property.

SEC. 12. The said board of Mayor and Trustees shall have power to receive and hold any real and personal estate, within or out of said town, by deed or otherwise, to be applied for the benefit of said town, or any public institution therein, as the person conveying such estate may direct; and the title to all real and personal estate in said town, now held by the Trustees of Newport, or which was granted by the act of the General Assembly of this Commonwealth, entitled, an act to establish the town of Newport, approved December 14, 1795, to the Trustees therein named, and not legally conveyed, shall be, and the same is hereby vested in the board of Mayor and Trustees aforesaid, and their successors, subject to the same trusts and conditions as the same was held by said Trustees of Newport. And in suing the town, the writ shall run against the town of Newport, and service on the Mayor and clerk of the town, shall be sufficient service of such process.

Service of process on the town.

May improve the streets.

SEC. 13. *Be it further enacted,* That the board of Mayor and Trustees shall have full power and authority to cause any, or all of the streets and alleys in said town to be levelled, filled and graduated for the purpose of carrying off the water, or preparatory to the paving or turnpiking, at the cost and expense of the town; and they shall have full power and authority at the like expense of the town, to cause any street or alley in said town, or part of any street or alley to be turnpiked, paved or McAdamized; and also any side walk or side walks to be paved at the like expense of the town, and to apply the taxes or any of them hereby authorized for those purposes or any of them.

By-laws to be recorded and published.

Receipts and disbursements of money to be published.

SEC. 14. *Be it further enacted,* That the board of Mayor and Trustees shall cause all the by-laws or ordinances, passed by them, to be fairly recorded in the journal of their proceedings, and publish the same in one or more newspapers, or public houses in said town; and annually make out and publish in the same manner, an account of all monies received, and paid out by their order, during the year they have been in office.

SEC. 15. *Be it further enacted*, That in the event of the death, resignation, or refusal of the Mayor to act, or where from any other cause the said office shall be vacant, the Trustees shall proceed within ten days to elect one of their own number, to supply his place; and the person so elected, shall be the Mayor of said town, for the residue of the term; and where a vacancy shall from any cause happen in the office of Trustee, the board of Mayor and Trustees shall immediately proceed to order an election for a Trustee, to fill such vacancy for the residue of the term, in the proper ward.

1834.

Vacancies in the board filled.

SEC. 16. *Be it further enacted*, That the said board of Mayor and Trustees, shall have power and authority to pass all needful by-laws or ordinances, to carry the powers herein vested into full effect, with adequate penalties for the infraction of the same, not exceeding fifty dollars, which penalties may be sued for, and recovered in the name of "the town of Newport," before the Mayor.

SEC. 17. *Be it further enacted*, That there shall be in said town, an officer to be styled the Town Marshal, who shall be chosen by the people in like manner, and at the same time the Mayor and Trustees are chosen, and shall be sworn to the faithful discharge of the duties of his office, which he shall hold for one year, and until another shall succeed him. He shall, if required by the board of Mayor and Trustees, have a resident deputy in each ward of said town; his deputies shall be appointed with the advice and consent of the board of Mayor and Trustees. He shall, if required, by himself or deputy, attend all the sessions of the board of Mayor and Trustees, and also of the Mayor, and preserve order, under his or their direction; he shall, by himself or deputy, execute all process emanating from the Mayor; he may be appointed town collector, shall also collect the fees of the Mayor, if required; he shall execute bond with approved security, before the board of Mayor and Trustees in an adequate penalty, payable to the town of Newport, conditioned faithfully to discharge the duties of his office, in all things, and to pay over to the persons entitled thereto, all sums of money, placed in his hands for collection. He shall be entitled to the same fees for the like services, which sheriffs or constables are entitled to receive, and his fees for services rendered under ordinances of the town, shall be regulated by

The town marshal.

His oath and duties.

Give bond.

His fees.

1834.

May be sued on
his bond.

the board of Mayor and Trustees; and motions may be made against him and his securities on their bond, for a failure on his part to pay over any monies by him collected, or for a violation of the conditions of his bond, and judgment may be entered thereon, in the same way motions are now made against constables or sheriffs; and the Mayor shall have jurisdiction thereof; and the said office of Marshal or of deputy Marshal, and the office of constable in said town, shall not be considered incompatible.

Subordinate of-
ficers may be
appointed.

SEC. 18. *Be it further enacted*, That the said board of Mayor and Trustees shall have power to appoint all necessary subordinate officers in said town, to carry the provisions of this act, and the powers therein given into full effect; such as a town treasurer, police officers, overseers of the work house, supervisors of the streets and alleys, and any others that may be required; and when appointed, they shall be qualified by the Mayor, faithfully to discharge the duties of their office. And when the said board of Mayor and Trustees think it necessary, they may require bond and security to be given; and they are hereby vested with power to fix the compensation such officers shall be allowed.

Property, &c.
vested in the
present trustees
shall vest in the
mayor and trus-
tees.

SEC. 19. *Be it further enacted*, That all the rights, privileges and property, real and personal, and choses in action which are now vested in, and belonging to the Trustees of Newport, shall, as soon as said board of Mayor and Trustees may be organized, be vested in, and belong to said town of Newport, subject to the payment of all just demands which may exist against said Trustees, and for which they are responsible.

Recognizances
taken before the
mayor.

SEC. 20. *Be it further enacted*, That all recognizances taken by the Mayor of Newport, when day is given for the appearance of the party, except in cases where he has jurisdiction to try the matter, shall be for appearance in the Campbell circuit court; and all recognizances, except those above excepted, shall be returned to the clerk of said court, under the hand of the Mayor, and shall be docketed as recognizances taken and returned by justices of the peace. The Mayor, on the examination of criminal offenders, shall make out a statement in writing of the evidence, and shall recognize the witnesses, and shall return the statement of the evidence and the recognizances to the clerk of the Campbell circuit court.

Mayor in ex-
amination of
criminal offen-
ces to make &
return a state-
ment of the
evidence.

SEC. 21. *Be it further enacted,* That in all elections for Mayor, the person having the highest number of votes shall, at the first election, be certified by the sheriff of Campbell county to the Governor of this Commonwealth, and at the subsequent elections by the clerk of the town, under the direction of the board of Mayor and Trustees, who shall be commissioned by the Governor, as Mayor of the town of Newport, and submitted for the advice and consent of the Senate, as in other cases; and if for any sufficient cause, the Governor shall refuse to commission the person so certified, the same shall be certified by the Secretary of State, to the board of Mayor and Trustees, who shall, in not less than ten days nor more than thirty, cause another election to be held for Mayor, to be conducted as other elections are directed to be by this act; and the person having the highest number of votes, shall again be certified to the Governor, who shall commission the person so elected.

1834.

Mayor to be
commissioned
by the Governor

SEC. 22. *Be it further enacted,* That the board of Mayor and Trustees shall have jurisdiction over that part of the Ohio river fronting said town; and they shall have power to fix and regulate by ordinance the rates of wharfage upon all steam boats, keel boats, and other water craft; also on all rafts of wood, timber, plank, &c. landing at the shore within the limits of said town, or sending goods or passengers on shore from said boats or crafts into said town: *Provided, however,* That they shall not charge any boat or raft which is compelled to land at said shore from stress of weather, or from the happening of any accident, should the said boat or raft not lay at said shore for more than twenty-four hours, or not use the said shore for unloading. They shall also have power and authority to pass by-laws and ordinances regulating the market-houses and markets in said town. And the Mayor of said town shall have power and authority to solemnize the rights of matrimony in said town, upon obtaining license from the county court of Campbell county, and executing bond with security, as is now required by law of ministers of the Gospel.

Jurisdiction of
the board over
the Ohio river
fronting the
town.

Proviso.

May regulate
market houses.

Mayor may so-
lemnize mar-
riages.

SEC. 23. *Be it further enacted,* That nothing herein contained shall be construed to prevent the Legislature from repealing this act, or any part thereof at any time.

The Legisla-
ture may repeal
this act.

[Approved February 24, 1834.]

Mm*

1834.

CHAP. 530.—AN ACT to increase the pay for travelling of the Members of the General Assembly.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the members of the General Assembly shall hereafter be allowed ten cents per mile for travelling expenses in going to and returning from the seat of government, from their respective places of residence, to be computed according to the route most usually travelled.

[Approved February 24, 1834.]

CHAP. 531.—AN ACT repealing the law authorising the people of Rockcastle, Knox, Harlan, and Laurel Counties, to pass the Turnpike and Wilderness Road, without paying toll.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all acts and parts of acts authorising the people of Rockcastle, Knox, Harlan and Laurel counties, to pass the turnpike gates on the Turnpike and Wilderness Road without paying toll, be, and the same is hereby repealed: and the people of those counties shall be liable to the same fines and penalties for violating the laws in relation to said road, that other persons are, except as herein provided for.*

SEC. 2. That all persons subject to labor on said road, their families and property, and all persons attending religious worship on the Sabbath, and the manager or superintendant of the Rockcastle bridge, and the laborers thereon, and the wagons, carts, and beasts of burden employed about the same, shall pass free of toll.

(Approved February 24, 1834.)

CHAP. 532.—AN ACT allowing additional Constables to the Counties of Shelby and Pulaski.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county of Shelby shall be allowed two additional constables—one of whom to reside, at the time of his appointment, in the vicinity of Burk's Branch meeting-house, and the oth-*

er to reside near Swiney's saw-mill on Long Run; and the county court of Shelby county is hereby required to make the appointments at the March or April term of said court. 1834.

SEC. 2. That the county of Pulaski shall be allowed two additional constables—one of whom to reside, at the time of his appointment, in the neighborhood of Eagle Creek, the other, in or near the Sinking Valley.

[Approved February 24, 1834.]

CHAP. 533.—AN ACT to authorise the insertion of orders in the Kentucky Register.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the editor or printer of the "Kentucky Register," printed and published in the town of Elizabeth, to insert in said paper all orders authorised to be published by law, except those specially required to be published in the paper of the public printer; and the certificate of the printer or editor shall be evidence of such publication.

[Approved February 24, 1834.]

CHAP. 534.—AN ACT authorising the Clerk of the County Court of Logan County to record certain Deeds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the present clerk of the county court of Logan county, is authorised to do what his predecessor was competent to do, under the provisions of an act, entitled, "an act to authorise the recording of deeds remaining unrecorded in the clerk's office of the Logan county court, at the death of the late clerk," approved January fourth, eighteen hundred and thirty-three.

[Approved February 24, 1834.]

1834.

CHAP. 535.—AN ACT to amend an act for the benefit of the Heirs of Benjamin Beall and Jannette H. Beall, late of Campbell County, approved December 15, 1823.

Recital.

Whereas, James G. Lindsey and George M. Beall, commissioners named in the first section of the act aforesaid, have departed this life: Therefore,

New commis-
sioners appoint-
ed, and their
duties.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John I. Thomas and Henry E. Spilman shall be, and they are hereby appointed commissioners, instead of the said James and George, with all and every of the powers, rights, and authorities which, by the act aforesaid, are granted to the said James and Benjamin: *Provided*, That the said John and Henry shall, before they enter upon the exercise of the powers herein before granted them, enter into bond in the county court of Campbell county, in such sum, and with such security or securities as the said court may approve of, conditioned faithfully to perform and execute all and singular the matters and things which they are authorised to do and perform by this act; which bond shall be made payable to the Commonwealth of Kentucky—and from time to time, any person or persons aggrieved by the acts of the said commissioners in the premises, or either of them, may, in the name of the said Commonwealth, prosecute suit and obtain judgment, and have execution thereon according to law.

To give bond.

Contracts of
deed: com'rs to
be perfected.

SEC. 2. *Be it further enacted*, That any and every executory contract, compromising any disputed land title of the kind mentioned in the first section of the original act hereby amended, entered into between the commissioners, or a majority of them in said original act named, with any person or persons whomsoever, shall be carried into effect and execution by the above named Benjamin D. Beall, John I. Thomas, and Henry E. Spilman, or a majority of them; who shall make any conveyance or conveyances that may be necessary in the premises, which shall be effectual to pass the title or claim of the children and heirs of Benjamin Beall and Jannette H. Beall, deceased, to the land so conveyed, to the grantee or grantees in said deed.

[Approved February 24, 1834.]

CHAP. 536.—AN ACT for the benefit of the Heirs of Thomas J. Owings, deceased.

1834.

Whereas, it is represented to the General Assembly, that Thomas J. Owings, late of the county of Bath, departed this life possessed of extensive claims to land, many of which were involved in controversy, leaving a will by which he appointed Richard Hawes, Kenas Farrow, and William P. Fleming, his executors, authorising them, or such of them as should act, to sell, or, at their discretion, to compromise any or all of those claims or controversies; that Hawes and Farrow refusing the trust, Fleming alone qualified, and made but little progress in adjusting the affairs of the estate, before he also departed this life; that important suits are now depending, and it is therefore of great concern to the devisees, several of whom are infants, that some person acquainted with the titles, and interested in their prosperity, should be authorised to fulfil the purposes of the will aforesaid; and it is doubted whether an ordinary administration would confer that power: Therefore,

Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the administrator, with the will of the said Thomas J. Owings, deceased, annexed, to be appointed by the Bath county court, in which Thomas D. Owings, the father, shall be preferred, shall be invested with full power and authority to do, in relation to the estate of the said testator, whatever the executors under the will could have done.

Adm'r with the will annexed to have the same power as the executor under the will.

[Approved February 24, 1834.]

CHAP. 537.—AN ACT to improve the South Fork of the Kentucky River, from its junction with the North Fork to Goose Creek Salt Works.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sum of fifteen hundred dollars, in Commonwealth's Bank paper, be, and the same is hereby appropriated for the purpose of improving the navigation of the south fork of Kentucky river, from its junction with the north fork, to the Goose creek salt works.

Amount of money appropriated.

SEC. 2. *Be it further enacted,* That Daniel Garrard, Hugh White, and John Bates, or any two of them, be

Persons appointed to super-

1834.

perintend the
improvement.

appointed superintendants of the improvement contemplated by this act, who shall have full power and authority to carry into effect the provisions of this act, and shall cause to be made such improvements in the navigation of the aforesaid stream, as in their judgment may render it more safe and secure.

To give bond.

Sec. 3. *Be it further enacted*, That the said superintendants, before they enter on the discharge of their duties, shall enter into bond, with good and sufficient security, in the Clay county court, in the sum of three thousand dollars, made payable to the Commonwealth of Kentucky, for the faithful performance of the duties assigned to them by this act.

A report of the
expenditure to
be made to the
Clay county
court.

Sec. 4. *Be it further enacted*, That it shall be the duty of said superintendants, whenever they shall be required, to exhibit to the county court of Clay a statement of the expenditures made under the provisions of this act; and after the work shall have been done, the said county court shall make a final settlement with the said superintendants, which shall be entered of record by the clerk of the county court.

The money to
be drawn as
soon as bond is
given.

Sec. 5. *Be it further enacted*, That whenever the clerk of the county court of Clay shall certify to the auditor that the superintendants, or any two of them, have entered into bond and security as required by this act, the said auditor shall issue his warrant on the treasurer, in favor of the superintendants, for the sum appropriated by this act.

County court
may fill vacan-
cies.

Sec. 6. *Be it further enacted*, That in the event of any two of the said superintendants' refusal to accept of the appointment, or of their death or resignation, the county court of Clay shall be invested with power and authority to fill such vacancy; and the persons appointed by said court shall be governed in every respect by the provisions of this act.

[Approved February 24, 1834.]

CHAP. 538.—AN ACT providing for the erection of a Bridge across the Beech Fork, in Washington County.

Com'rs appoint
ed to obtain
subscriptions.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of Washington county be, and they are hereby authorised to appoint three fit persons commissioners to open a subscription for voluntary contributions for the pur-

pose of building a bridge across the Beech fork of Salt river, near the mouth of Pleasant run, where the stage road leading from Springfield to Harrodsburg crosses said stream: and the said commissioners shall have power to sue for and recover said subscriptions; but before they act, they, or a majority of them, shall take an oath faithfully to discharge the duties required of them by this act, and enter into bond with approved security, in the Washington county court, conditioned for the true and faithful performance of the trust reposed in them by this act.

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Power of the com'rs.

To take oath and give bond.

SEC. 2. *Be it further enacted*, That whenever the sum of one thousand dollars shall have been secured by the said subscriptions, or by a levy on the county of Washington by the county court, and the said court shall certify that the said sum is so secured, and shall guarantee that it shall be expended in the erection of the said bridge, the auditor of public accounts, upon the production of the said certificate, shall issue his warrant on the treasury for the like sum of one thousand dollars, which the treasurer shall pay to such of the said commissioners as shall qualify and give bond as aforesaid, or their order, out of the funds provided by an act of Assembly, passed at the present session, entitled, "an act to provide for the payment of subscriptions and appropriations to objects of internal improvements;" which money shall be expended under the direction of the said commissioners in the erection of said bridge.

County court to certify the amount of subscriptions.

An appropriation from the treasury.

SEC. 3. *Be it further enacted*, That if either of the said commissioners shall fail to qualify and give bond as aforesaid, or if from any other cause there be not three commissioners who shall qualify or give bond, the county court of Washington is hereby authorised to appoint a commissioner or commissioners, so as to continue the number three; and a majority of the said commissioners are authorised to do and perform all the acts required of them by this act, so as to secure the erection of said bridge.

County court may appoint other com'rs.

SEC. 4. *Be it further enacted*, That the said commissioners shall be allowed one dollar per day each, for every day they may be actually engaged in performing their duties under this act, to be paid out of the county levy of Washington county.

Com's pay.

SEC. 5. *Be it further enacted*, That if the construction of said bridge shall not have been commenced

Work to be commenced in two years.

1834. within eighteen months from the passage of this act, the appropriation hereby made on the part of the Commonwealth, shall be inoperative and void.

(Approved February 24, 1834.)

CHAP. 539.—AN ACT to appoint additional Justices of the Peace and Constables in certain Counties.

Justice to Gal-
latin. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Gallatin county, shall, at their next April term, proceed to appoint an additional justice of the peace.

Constable to
Simpson. SEC. 2. *Be it further enacted,* That there shall be allowed to the county of Simpson one additional constable, to reside between the road leading from Franklin to Russelville, and the road leading from Franklin to Bowlinggreen.

Justice and
constable to
Franklin. SEC. 3. *Be it further enacted,* That the county of Franklin shall be allowed one additional justice of the peace and constable; the constable shall, at the time of his appointment, reside on the north side of Main Elkhorn, and between the north fork of said creek and Goleman's mill.

Constable to
Harrison. SEC. 4. *Be it further enacted,* That there shall be one additional constable appointed in Harrison, who shall reside in Claysville, in said county.

Justice to Trigg. SEC. 5. *Be it further enacted,* That one additional justice of the peace be, and the same is hereby allowed to the county of Trigg.

[Approved February 24, 1834.]

CHAP. 540.—AN ACT for the benefit of the Heirs and legal Representatives of Samuel J. Beall, deceased.

May file a pe-
tition in the
Campbell cir-
cuit court. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for Benjamin D. Beall, administrator, and Eliza K. Beall, administratrix of the goods and chattels, rights and credits of Samuel J. Beall, deceased, (which said Eliza K. Beall is wife—the mother and guardian of the children of the said Samuel, who are infants,) to file their petition in the Campbell circuit court, who shall take jurisdiction accordingly—setting forth, in

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said petition, that the personal estate of the said Samuel which came to their hands and possession, has been exhausted in the discharge of the debts of the decedent, and that debts and demands are still remaining unpaid; and they shall also produce to said court the inventory, and appraisement, and account of sales of the personal estate of the decedent, of the debts due to the estate, and of all the debts and claims against the said estate, and the vouchers proving the payment of such debts as are discharged, and also each and every tract of land of which the said Samuel died seized, with a particular description thereof, and their opinion of the value of each tract—and praying said court to decree and order a sale of any tract or tracts of land in said petition mentioned; and that, from time to time, as the same may be necessary, according to the usages of courts of chancery in decreeing sales of lands, for the purpose of satisfying the debts and demands against said estate remaining unpaid, together with all incidental costs; which petition shall set forth the names of the infant children of said Samuel; and the said petitioners shall, in open court, on the filing of their petition, make oath to the truth of the allegations and matters of fact therein contained: whereupon, the said court, upon being satisfied of the truth of matters set forth in said petition, as far as the same are material, shall decree and order, and from time to time as the same may be necessary, the sale of any tract or tracts of land in said petition mentioned, to be made by a commissioner, according to the usages in chancery, for the purpose of paying and discharging any debt or debts, or demand, to be specified in the decree, against the estate of the decedent, or the heirs aforesaid by reason of the descent to them of the real estate of which the said Samuel died seized, and all incidental costs: *Provided, however,* That the commissioner appointed to sell any land decreed to be sold as aforesaid, shall not sell any land so decreed to be sold, unless the same will produce three fourths of its value; which value shall be ascertained by the commissioner in the mode now designated by law on sales of real estate by sheriffs on executions; and the sale shall be made on the same credit, and in the same manner in all respects, as sales on executions; and the bond or bonds taken from the purchaser or purchasers, shall be made payable to the petitioners aforesaid, and no conveyance shall be decreed to be made until the

May decree
sale of real es-
tate.

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purchaser of the land sold as aforesaid, shall pay the purchase money.

Petitioners to
give bond.

SEC. 2. *Be it further enacted*, That the petitioners aforesaid shall, before they receive any money arising from the sale of any tract or tracts of land sold as aforesaid, enter into bond in open court, in the Campbell circuit court, with sufficient security, payable to the Commonwealth of Kentucky, conditioned for the true and faithful payment of all and every sum and sums of money received by them by virtue of any sale or sales of any tract or tracts aforesaid, to the creditor or creditors entitled thereto, according to law; which bond may, from time to time, be sued on by any creditor or creditors, or other person aggrieved, in the name of the Commonwealth, until the condition thereof is fully satisfied.

[Approved February 24, 1834.]

CHAP. 541.—AN ACT to appropriate Money.

Appropriations
made to—

Speakers of the
Senate and H.
of Rep.

Clerk of the S.
and H. of R.

Sergeant at
arms.

Door keeper.

A. M. Wigginton.

S. I. M. Major.

B. R. Pollard.

W. B. Hole-
mad.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the following sums be paid out of any money in the treasury not otherwise appropriated, to wit:

To the Speakers of the Senate and House of Representatives, four dollars per day each.

To the Clerks of the Senate and House of Representatives, sixty dollars per week each.

To the Sergeant-at-Arms of the Senate and House of Representatives, twenty-one dollars per week each.

To the Door-keepers of the Senate and House of Representatives, twenty-one dollars per week each.

To A. M. Wigginton, Assistant Clerk of the House of Representatives, thirty dollars per week during the present session.

To Samuel I. M. Major, Assistant Clerk of the House of Representatives, from the 20th January till the close of the session, thirty dollars per week.

To Benjamin R. Pollard, Assistant Clerk of the Senate, thirty dollars per week during the present session.

To William B. Holeman, for furnishing water, making fires, &c. for House of Representatives during the present session, six dollars per week.

To Littleberry Batchelor, for like services for the Senate, six dollars per week. 1834.

To A. G. Hodges, public printer, as per bills rendered, No. 1, two thousand eight hundred and sixteen dollars forty-six cents. A. G. Hodges.

To John U. Price for forty-five cords of wood for House of Representatives, at two dollars per cord, ninety dollars. J. U. Price.

To Thomas S. Page, for thirty cords at same price, sixty dollars. T. S. Page.

To Richard K. Stout, for painting Senate Chamber, fifty nine dollars fifty six cents. R. K. Stout.

To Richard K. Stout for services rendered on one of the court rooms, furnishing materials for same, twenty four dollars. R. K. Stout.

To James Taylor, for furnishing 33 1-3 yards of carpeting and one bucket for Court of Appeals' room, sixty-seven dollars sixty-eight cents. James Taylor.

To James W. Taylor, as per bill rendered, thirty dollars and fourteen cents. J. W. Taylor.

To James Shackelford, for repairing and covering the capitol roof with patent cement, three hundred and thirty-three dollars. J. Shackelford.

To Lewis Sanders, jr. for extra services in performing the duties of Secretary of State, two hundred and fifty dollars. L. Sanders, Jr.

To John Harrison, for viewing and marking a state road from Frankfort, Kentucky, to Bowlinggreen, eighteen days, at one dollar and fifty cents per day, twenty-seven dollars. John Harrison.

To C. H. Julian, for portfolio paper, one dollar and sixty-seven cents. C. H. Julian.

To Blaine & Bacon, eight dollars twenty-five cents. Blaine & Bacon.

To John D. McClure, for making twenty tables for the use of the House of Representatives, one hundred and sixty dollars. John D. McClure.

To John P. Cammack, for making twenty tables for use of House of Representatives, with locks, one hundred and sixty-seven dollars. J. P. Cammack.

To Charles Hutchison, as per bill rendered, one hundred and seventy-seven dollars twenty-five cents. C. Hutchison.

To Hawkins Wickersham, for curbing round the Governor's square, one hundred and eighty-two dollars twenty cents. H. Wickersham.

To William S. Johnson, as per bill rendered, thirty-three dollars seventy-seven cents. W. S. Johnson.

To A. C. Keenon, as per bill rendered, fourteen dollars forty-two cents. A. C. Keenon.

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To Keenon and Robinson, as per bill rendered, eighty-eight dollars sixteen cents.

C. H. Julian.

To Charles H. Julian, as per bill rendered, sixty-one dollars fifty eight cents.

Keenon & Robinson.

To Keenon and Robinson, as per bill rendered, three hundred and twenty-six dollars eighty-eight cents.

Jos. Taylor.

To Joseph Taylor, as per bill rendered, forty-one dollars and seven cents.

J. P. Cammack.

To John P. Cammack, as per bill rendered, two hundred dollars.

A. C. Keenon and C. H. Julian.

To A. C. Keenon and Charles H. Julian, three hundred dollars each, for binding two thousand copies of the Acts of the present General Assembly; also sixty-two dollars and fifty cents each for binding two hundred and fifty copies of the Journals of each House, one half of which sum shall be paid in advance, and the balance upon their producing to the Auditor of Public Accounts a certificate from the Secretary of State, shewing the delivery into his office of the number of copies hereby authorised to be bound; *Provided, however,* If the full number of copies authorised to be bound, shall not be so delivered, a deduction, at the rate of thirty-three and one third cents for each copy of the Acts, and fifty cents for each copy of a Journal, as shall not be made.

Clerk of the Senate and H. of Representatives.

To the Clerks of the Senate and House of Representatives, forty dollars each, for four days services after the close of the session, in preparing the Acts for publication, and arranging the books and papers.

J. Smith.

To Joseph Smith, for labor in removing brick and stone out of the palace yard by order of the Governor, six dollars.

A. G. Hodges.

SEC. 2. *Be it further enacted,* That the Auditor of Public Accounts shall be, and he is hereby authorised and directed to settle with A. G. Hodges, public printer, for the residue of his accounts for public printing by him done, and not included in his accounts rendered, and issue his warrant on the Treasury in favor of said Hodges, for such sum as may be due him.

Frazier and Shackelford.

SEC. 3. *Be it further enacted,* That the sum of five hundred and fifty dollars be appropriated for the benefit of our young and patriotic artists, Frazier and Shackelford, in consideration of the animated likeness of George Washington, which they have executed so creditably to their genius and taste, and with which they have furnished the Representative Chamber.

To A. G. Hodges, the sum of twelve hundred dollars in advance, for his services as public printer for the present year, 1834.

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A. G. Hodges.

SEC. 4. *Be it further enacted*, That the sum of three hundred dollars be allowed to the Register of the Land Office, to enable him to employ an additional clerk in his office.

For the purpose of defraying the funeral expenses of the late Governor of this Commonwealth, five hundred dollars; and the Auditor of Public Accounts is hereby directed to issue his warrants in favor of the persons entitled, upon the certificate of the Adjutant General, for the whole amount, or so much thereof, as may be required to meet the whole expenses.

Funeral expenses of the late Governor.

To Joel Scott, as per bill rendered, to be placed to the credit of the Penitentiary, in the Auditor's office, two hundred and sixty dollars thirty-one cents.

Joel Scott.

To Joseph Taylor & Son, for twenty-two yards of crape, furnished on the 22d of February, 1834, eight hundred dollars eighty-seven cents.

Jos. Taylor & Son.

To the Public Librarian, the sum of two hundred dollars for the year one thousand eight hundred and thirty-four, to be paid quarterly.

Librarian.

To the Editors of the Commonwealth, the Cross, and the Argus, each thirty dollars for their papers, furnished the members during the present session.

Editors of the Commonwealth, Cross and Argus.

To Thomas S. Page, for making out a list of non-resident and resident forfeited lands, that have been reported at the present session, one hundred and twenty dollars.

T. S. Page.

To Thomas S. Page, for his services in the Auditor's office from the resignation of the late Auditor, until the present auditor took charge of the office, forty-six dollars.

T. S. Page.

To Benjamin R. Pollard and John Glover, for examining, adjusting, and reporting to the General Assembly a statement of the accounts of the Penitentiary, under the provisions of the act of 28th January, 1833: to the said Pollard, the sum of one hundred and forty-three dollars, and to the said Glover, the sum of one hundred and seventy-four dollars and sixty-seven cents.

B. R. Pollard.
Jno. Glover.

To Mrs. Wingate, as per account, fifteen dollars.

Mrs. Wingate.

To Taylor and Page, as per account, four dollars and fifty cents.

Taylor & Page.

To D. Clendenin, per account, six dollars seventy-five cents.

D. Clendenin.

To Anthony Crockett, per account rendered, thirty dollars.

A. Crockett.

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J. Stonestreet.

To James Stonestreet, for making, by order of the Senate, an Index to the Journal of the Senate, fifty dollars.

Brawner and Franklin.

To Brawner and Franklin, for work done around the government house yard, seven hundred and fifty-five dollars—one hundred and six dollars and sixty-six cents of which is not to be paid until the work is finished.

John and Richmond, black men.

To John and Richmond, (black men,) for services rendered the Senate and House of Representatives, ten dollars.

S. M. Noel for Baptist church.

To Silas M. Noel, for the benefit of the Baptist Church, for ringing their bell the present session of the General Assembly, ten dollars.

Lunatic Asylum.

To the Commissioner of the Lunatic Asylum, for supporting the lunatics in said institution during the ensuing year, six thousand dollars.

[Approved February 24, 1834.]

CHAP. 542.—AN ACT for the benefit of the Heirs of William P. Gibbs and Richard Jones.

The circuit court of Washington authorised to decree the sale of certain real estate of the persons aforesaid.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the heirs and devisee of William P. Gibbs, of Washington county, and for the heirs and devisees of Richard Jones, of the same county, to file their respective petitions in the Washington circuit court, by themselves, and by the guardians of such of them as are infants, in which they shall set forth the situation of the several tracts of land which has descended from, or been devised to them by their respective ancestors; and the court, upon being satisfied that a sale of the said lands, or any part thereof undivided, would be of more advantage to the heirs than a division of the same among the heirs and devisees respectively, to order and decree a sale of such real estate, and divide the proceeds thereof among the heirs and devisees, according to the will when the land passes by the will, and when there is no will, according to the statute of distribution.

Bond and security to be required of the commissioners making the

Sec. 2. *Be it further enacted*, That said court shall take bond and security from the commissioner making said sales, to account for the money received to the persons entitled; and shall order said lands to be sold upon a reasonable credit, and decree the conveyance

thereof by a commissioner or commissioners to the purchaser or purchasers; which conveyance shall, when made, vest the title in the purchaser as effectually as if the heirs and devisees were of full age; and the proceeds of the sale when received, shall be paid over to the persons and the guardians of the persons entitled.

Conveyances to be made in pursuance of such sales.

(Approved February 24, 1834.)

CHAP. 543.—AN ACT to repeal in part an act, entitled, “ an act to improve the State Road from Liberty, in Casey County, to Columbia, in Adair County, and for other purposes,” passed during the present session.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of said act as appoints Edmund Miller commissioner, be, and the same is hereby repealed; and Jacob Mills be, and he is hereby appointed a commissioner for the purposes specified in the before recited act.

[Approved February 24, 1834.]

CHAP. 544.—AN ACT for the benefit of the Widow and Heirs of Richard Hall, deceased.

Whereas, it is represented to the General Assembly that Richard Hall, of the county of Jefferson, died intestate, seized and possessed of considerable real estate lying within the city of Louisville, in said county, having left a widow and infant children; and whereas, it is further represented, that the estate of said Hall is indebted to an amount beyond the value of the personal estate, and that it will be necessary to dispose of part of the real estate to pay the debts; and it will be much to the advantage of the widow and heirs aforesaid to avoid a sale under execution;

Recital.

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That upon a petition by the administrator and heirs (by their next friend) of Richard Hall, in the Jefferson circuit court, setting forth the amount of the personal estate, and the debts due the estate, also the debts due from the estate, to whom and the amounts, and the amount of

The circuit court of Jefferson authorised to decree the sale of the real estate for the payment of debts.

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moneys paid out, and what balance is yet unpaid—and that it would be to the advantage of the widow and heirs that the balance thus due should be raised by a sale of part of the real estate—it shall be the duty of the said Jefferson circuit court immediately to examine into said petition, vouchers, and accounts, and to hear such further evidence as may then be produced; and if said court shall be of opinion that after a fair and just application of the assets in the hands of the administrator, there is yet a balance due, and that it would be of advantage to the widow and heirs to decree a sale of part of the real estate aforesaid, it shall decree such sale, upon such credit as it shall consider best calculated to advance the interests of the parties, and appoint a commissioner to sell and convey the same.

The administrator to give additional bond and security before receiving the proceeds of sale.

SEC. 2. *Be it further enacted*, That the said administrator shall, in the said circuit court, before receiving the money arising from the sale aforesaid, give bond to the Commonwealth, with security, to be approved by the court, in such penalty as the court shall fix, for the faithful application of the money aforesaid.

(Approved February 24, 1834.)

CHAP. 545.—AN ACT regulating the mode of settling the accounts of Executors, Administrators and Guardians.

County courts directed at their May, June, July and August terms to appoint three commissioners to settle with Executors, administrators and guardians. Commissioners to take an oath.

Certificate of oath to be recorded. Com'rs may be removed for good cause and on motion.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the county court of each county, at their May, June, July or August term, after the passage of this act, to appoint three commissioners of accounts. The said commissioners shall take an oath, that they will faithfully and impartially discharge the duties of commissioners for the settlement of the accounts of executors, administrators and guardians, within their respective counties, according to the requirements of this act, and the laws of the land, to the best of their skill and judgment, so long as they shall continue in office, which oath duly certified by a justice of the peace, shall be recorded in the office of the county court. The said commissioners shall continue in office during good behaviour, but may be removed for good cause, by the county court, upon motion, having

been notified in writing of the causes assigned for removal, and the time the motion is to be made, at least ten days before the court. And in case of death, resignation, or removal of any of the said commissioners, it shall be the duty of the said county courts for their respective counties, to fill up all such vacancies as may thus occur.

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County courts to fill vacancies

SEC. 2. *Be it further enacted,* That it shall be the duty of said commissioners, or any two of them, when called upon by any executor, administrator or guardian, or by any other person interested in the estate, in the care, possession or under the control of any executor, administrator or guardian, to state and settle the accounts, truly and fairly of such estate, and they shall have power and authority, to hear testimony upon such settlement in support of, or in opposition to, any item involved in said account or settlement, and shall in all cases be governed by the law and justice of the case. They shall carefully keep and file all vouchers and other written evidence submitted to them, and when they hear parol proof, they shall reduce the substance thereof to writing, and return the same with the vouchers; and after they have completed the settlement, they shall certify the same, and return it to the clerk of the county court, with their report upon the same.

Com'rs to settle accounts when called on.

Com'rs have power to hear evidence and to be governed by the law and justice of the case. Shall keep and file all vouchers and other written evidence.

SEC. 3. *Be it further enacted,* That the said commissioners shall also fix the amount of compensation to be allowed the said administrator, executor or guardian for his personal services, subject to the ratification and approval of the county court, when the said report is taken up for confirmation and record.

Com'rs to fix the amount of compensation to ex'rs, adm'rs and guardians.

SEC. 4. *Be it further enacted,* That the said report shall lie over for at least one term of the county court, for exceptions to be filed against it by any person interested in said estate, or by the executor, administrator or guardian, and if no exception shall be taken to said report, the court, if upon examination of the same, shall approve the settlement and report, or if upon hearing exceptions to the same, the court shall overrule them, said report shall be ordered to record, and be deemed prima facie evidence of the truth of the facts stated. Should said report and settlement, in whole or in part be rejected by the court, they may proceed to correct the errors in open court, or remand the same to the commissioners of accounts for further proceedings, who shall proceed to the set-

Com'rs Report to lie over for one term for exceptions to be filed.

If no exceptions are taken the court upon examination approve the report and settlement, or if upon hearing the exceptions they shall overrule them they shall have said report and settlement recorded.

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Com'rs shall on application, issue a summons against ex'rs, adm'rs or guardians, to attend at the time and place fixed by them for settlement.

Summons shall be served by sheriff or constable of the county.

Com'rs duty to report delinquents, &c.

Court may impose fine not exceeding \$30, or remove the delinquent and appoint an administrator de bonis non or guardian.

Com'rs shall in like manner cause the heirs, devisees, &c. or their guardians, to attend settlements if within the county.

Com'rs shall have power to summon witnesses and compel attendance, administer oaths, &c. &c.

Com'rs shall be allowed \$1 50 per day.

Com'rs shall have power to interrogate executors, adm'rs, & guardians.

tlement of the same, upon the principles settled by the county court, and return the same to the next term, or so soon thereafter as may be practicable.

SEC. 5. *Be it further enacted*, That in all cases where an heir, distributee, or devisee, or ward, shall apply for a settlement of the accounts of an executor, administrator or guardian, it shall be the duty of said commissioner to issue summons against said executor, administrator or guardian, to attend at a time and place to be fixed and specified in said notice, which summons shall be served by any sheriff or constable of the county; and if such executor, administrator or guardian shall fail to attend, it shall be the duty of said commissioner to report him, or her, to the next county court for such failure, and the court shall cause such delinquent to be summoned before them to shew cause why he should not be fined or removed from the fiduciary trust; and the said court may, without good cause shewn for such failure to attend and settle their respective accounts, impose a fine upon such delinquent of any sum not exceeding twenty dollars, or they may in their discretion, if they shall believe the interest of the state demands it, remove such executor, administrator or guardian, and proceed to the appointment of an administrator, de bonis non, an administrator with the will annexed, or another guardian as the case may be.

SEC. 6. *Be it further enacted*, That the commissioners whenever an executor or administrator shall apply to have his accounts stated and settled, shall in like manner cause the heir, devisee or distributee, his or her guardian, if resident within the county, to be summoned to attend the said settlement of accounts; and the said commissioners shall have power to summon witnesses, and compel their attendance, and to administer all the necessary oaths to witnesses and parties, and may continue from day to day, until they shall have completed the settlement before them; and they shall each be allowed and paid by the party or parties calling upon them, the sum of one dollar and fifty cents a day, for every day they shall be engaged in the settlement of any such account or estate.

SEC. 7. *Be it further enacted*, That the said commissioners shall have the right to interrogate any executor, administrator or guardian upon oath, in order to make him or them disclose any fact, material to the true and equitable settlement of their accounts, and

shall reduce the substance of their statements to writing, and file it with the papers.

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Sec. 8. It shall be the duty of said commissioners, in cases where an executor, administrator or guardian shall have failed to settle his accounts, to report the fact to the court, who shall proceed under the existing law, to cause such administrator, executor or guardian to be summoned, and make such order against him as shall seem right, in order to compel settlement of his accounts under the provisions of this act.

Com'rs shall report such ex'rs, adm'rs or guardians as fail to settle.

Court shall proceed under existing laws to have them summoned, &c.

Sec. 9. All acts or laws authorising the county courts to settle or appoint commissioners to state and settle the accounts of executors, administrators and guardians, inconsistent with the provisions of this act, are hereby repealed.

All laws inconsistent with this repealed.

Sec. 10. This act shall not take effect, until after the first day of July, 1834, except so far as it authorises the appointment of the commissioners of accounts.

Not to take effect until after the first of July next.

[Approved February 24, 1834.]

CHAP. 546.—AN ACT to amend "an act to authorise the sale of certain lands of Edmund H. Taylor," approved December 31, 1832.

Whereas, it is represented to the present General Assembly, that Lee White, one of the commissioners appointed by an act, entitled, "an act to authorise the sale of certain lands of Edmund H. Taylor," approved December 31, 1832, has departed this life without having executed the powers conferred on him by said act, and thereby the said act has become inoperative.

Recital.

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That William M. Taylor and Caleb Dorsey, both of the county of Jefferson, be, and the same are hereby appointed commissioners under said act, both or either of them to act in conjunction with Eloisa Taylor, the surviving commissioner; and the said commissioners shall have all the powers and authority conferred by the above recited act, and shall be governed by all the provisions therein contained, except the said commissioners may make sale of the property mentioned in the third section of said act, upon a credit of one, two and three years, instead of the terms therein specified; if to them it shall seem expedient.

Other com'rs appointed in lieu of the deceased commissioners to perform the duties required by the recited act.

[Approved February 24, 1834.]

1834.

CHAP. 547.—AN ACT for the benefit of John Fletcher.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the present gate keeper of the Wilderness and turnpike road, be, and he is hereby authorised and directed to pay over to John Fletcher, the sum of one hundred and eighty-six dollars fifty cents, out of any monies which have, or may come to his hands, collected as toll on said road, at said gate, of which the said John Fletcher was late keeper, which is in full satisfaction of any loss which said Fletcher may have sustained by receiving bad money as the keeper of said gate.

[Approved February 24, 1834.]

CHAP. 548.—AN ACT to improve the state road leading from London to the Tennessee state line,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sum of three hundred dollars, be, and the same is hereby appropriated to improve the road leading from London in Laurel county to the Tennessee state line, in the manner hereinafter directed.

\$300 appropriated for that object.

The county c'ts of Laurel and Whitley to appoint commissioners to superintend the improvement.

To require of them bond and security.

Com'rs authorized to receive the appropriation.

Com'rs to settle with the county courts and may be by them removed from office.

SEC. 2. *Be it further enacted,* That the county courts of Laurel and Whitley counties, be required to appoint in each of their respective counties, one or more commissioners to superintend the improvement aforesaid, and lay out and expend said money upon the said road, and that they cause the said commissioners to enter into bond with good security, to be approved of by the said courts, conditioned for the faithful discharge of their duties.

SEC. 3. *Be it further enacted,* That the commissioners aforesaid, or a majority of them, upon producing proper evidence of their appointment, shall be authorised to draw upon the Treasurer for the above amount; and the Treasurer is hereby authorised and required to pay the same to the order of said commissioners or a majority of them.

SEC. 4. *Be it further enacted,* That the county courts shall have full power at any time they may think proper, to call said commissioners to account; and for any failure to discharge their duty, may remove any or all of them.

SEC. 5. *Be it further enacted*, That in case any one of said commissioners shall receive any money and not expend and account for the same, when required by their county court, they shall be liable to suit on the bond executed as above directed, and shall pay thirty per cent damages on the amount found due, together with costs.

1834.

May be sued for a failure of duty or for not accounting for the money received, &c.

(Approved February 24, 1834.)

CHAP. 549.—AN ACT to establish an additional election precinct in the County of Henderson.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of Henderson county, situate within the following boundary, viz: beginning on Green River, at the mouth of Lick creek, from thence to William Jones' house, thence to Green river, where lot No. 4, in Henderson and company's grant crosses the same, thence down said river as far as the same is the line between the counties of Henderson and Daviess, half way to the Ohio river, from thence to the beginning, shall constitute an election precinct, which shall be called the Lick creek precinct; and the house of Zachariah Galloway, shall be the place of voting in said precinct: *Provided*, That in all elections the voters residing within the boundary of the aforesaid precinct may vote at the Court-house.

Boundaries of the precinct.

Place of voting therein.

SEC. 2. *Be it further enacted*, That the county court of Henderson county, when they shall appoint officers to conduct the elections at the Court-house, shall also appoint a clerk and judges to take the votes in said precinct; and the sheriff of said county, shall, in all elections, by himself or deputy, attend the elections to be held in said precinct, proceeding in all respects as in other cases.

Judges and clerks to be appointed to conduct the elections therein.

(Approved February 24, 1834.)

CHAP. 550.—AN ACT to improve certain Roads in the Counties of Lawrence, Morgan, Floyd, and Greenup.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That for the purpose of

1834,

An appropriation of land warrants to complete the road from Prestonsburg to Little Sandy Salt works.

How to be laid out and expended.

Com'rs to give bond.

Condition thereof.

Suit may be brought thereon

An appropriation of land warrants to complete the road from Louisa to Beaver Iron works.

Com'rs duty.

An appropriation on the road from West Liberty to Sandy Saltworks.

completing the road from Prestonsburg, in Floyd county, to Little Sandy salt-works, in Greenup county, by way of Paintsville and Sweatman's, there is hereby appropriated the sum of one thousand dollars worth of land warrants, in the name of the commissioners of said road, appointed by the provisions of an act of the General Assembly, entitled, "an act to provide for the opening a road from Floyd court-house to Little Sandy salt-works, in Greenup county, by way of Paintsville and Sweatman's," approved January 22, 1830, to be by them laid out and expended in the improvement of said road, according to the regulations and provisions of the above recited act; and the said commissioners shall, before they enter upon the discharge of the duties required by this act, in the county court of Floyd or Lawrence county, enter into bond, in the penalty of two thousand dollars, payable to the Commonwealth of Kentucky, conditioned for the faithful discharge of the duties enjoined upon them by this and the above recited act; and upon a breach of the condition of said bond, suit may be brought agreeably to the seventh section of the said recited act; and the said commissioners, in all respects, shall be governed by the requisitions and provisions of said recited act.

SEC. 2. *Be it further enacted*, That for the purpose of further improving the road from Louisa to the Beaver Iron works, in Bath county, there is hereby appropriated the sum of one thousand dollars worth of land warrants, at the state price; for the further improvement of said road; which warrant shall be issued by the register of the land office, in the same manner, and to be located in the same counties, as is provided for by the sixth section of an act, entitled, "an act providing for improving the road from Louisa, in Lawrence county, by West Liberty, to the Beaver Iron works," approved January the 24th, 1827; and the said commissioners, in all things relating to improving said road, and the disbursement of said land warrants, and every other thing relating to their duty as commissioners, shall be governed by the provisions of the before recited act, so far as the same may or can be applicable.

SEC. 3. *Be it further enacted*, That land warrants, to the amount of three hundred dollars, be, and the same are hereby appropriated, to be, by the commissioners hereinafter appointed, laid out in improving

the road from West Liberty to Little Sandy salt-works, down Bruen creek.

1834.

SEC. 4. *Be it further enacted,* That Alfred Rice and Harris W. Thomson, of Lawrence county, and William Kendle, of Morgan county, be appointed commissioners, who shall commence at the point in Greenup county, where the improvement of the road shall be necessary, and lay said road off into lots, and sell the improvement thereof to the lowest bidder, having given notice thereof by advertisement at the door of the court-house, on at least one court day previous to such sale, and at least two other public places in said county; and shall take bond, with sufficient security, payable to the Commonwealth of Kentucky, from such undertaker or undertakers, in at least double the sum for which any such lot or lots shall be let out at: and the said commissioners, before they enter upon the discharge of the duties enjoined on them by the provisions of this act, shall, in the county court of Lawrence county, enter into bond, with security to be approved by said court, in the penalty of six hundred dollars, conditioned for the true and faithful discharge of the duties enjoined on them by this act.

Commissioners appointed.

Their duty.

To give bond and security.

SEC. 5. *Be it further enacted,* That it shall be the duty of the register of the land office to issue the aforesaid amount of land warrants, in the name of the last mentioned commissioners, and deliver the same to them, or any one of them, or their order, upon being furnished with the certificate of the clerk of the Lawrence county court, that they, or any two of them, have executed bond pursuant to the provisions of the fourth section of this act, subject to be located in Greenup, Lawrence, and Morgan counties only.

Register's duty.

Warrants where to be located.

SEC. 6. *Be it further enacted,* That the sum of three hundred dollars worth of land warrants be, and the same is hereby appropriated to the county of Lawrence, in aid of the court of said county, in the erection of three bridges on the mail route from Catlettsburg to Pikeville: one hundred dollars worth thereof, in aid of the erection of a bridge across White's creek, in said county; one hundred dollars worth in aid of erecting a bridge across Durbin's creek, in said county; and the remaining one hundred dollars worth in aid of erecting a bridge across Bear creek, in said county: and the register of the land office is hereby directed to issue said warrant in the name of the person or persons respectively who shall undertake the erection

\$300 in warrants appropriated to building bridges in Lawrence county.

Register to issue warrants, &c.

1834.

of any of the aforesaid bridges, upon his producing the certificate of the clerk of Lawrence county court, that he or they have entered into a contract therefor with the commissioners of said county court of Lawrence, pursuant to their authority.

The bonds required to be given may be sued on, &c.

Sec. 7. *Be it further enacted*, That in case of breach of the condition of any bond entered into under this act, either by the commissioners herein appointed, or by the undertaker or undertakers of any work to be done, that it shall be the duty of the attorney for the Commonwealth, in the county where such bond shall be executed, to prosecute suit therefor before any court having jurisdiction thereof; and any money arising from any such suit or suits, shall be applied to the improvement of such road or bridge that the same may have reference to, under the direction of such person or persons as the county court shall order.

Land warrants not to be under 50 acres.

Sec. 8. *Be it further enacted*, That it shall be the duty of the register of the land office to issue the land warrants provided for by this act, in such size as he or they who are entitled to the same shall require, (not less than fifty acres each,) without fee therefor; and the commissioners of the several roads hereby appointed, are hereby empowered and required to assign said land warrants to the undertaker or undertakers of any lot or lots of any of said roads—who, by virtue of said assignments, shall have power to locate the same, according to the foregoing provisions of this act.

May be transferred to the undertakers of the work.

(Approved February 24, 1834.)

CHAP. 551.—AN ACT to incorporate the Georgetown and Rail Road Turnpike Company.

*Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Asa Payne, James Patterson, Willa Viley, George W. Johnson, James F. Robinson, Charles Thompson, Charles Buford, Henry Johnson, &c, and they are hereby appointed commissioners, under whose direction books shall be opened at Georgetown, on the first Monday in May, 1834, for subscriptions to the capital stock of the Georgetown and Rail Road Turnpike Company hereby incorporated; and that after the first opening of said books, the said commissioners shall keep them open for three months: if, at the expiration of said

Com'rs appointed to receive subscriptions for stock in the proposed road.

The books to be kept open for 3 months unless the stock is sooner taken.

period, such a subscription to the capital stock of said company as is necessary for the incorporation of the same, shall not have been obtained, the commissioners, or a majority of them, may cause the said books to be opened at such times and places as they may direct, for the space of one year thereafter, or until the sum necessary for the incorporation of the same shall have been subscribed; and said commissioners shall advertise the time and place of opening said books for subscription, in some newspaper published in Georgetown or Lexington, at least fifteen days before opening the same.

1834.

And may be re-opened if necessary.

Notice thereof to be given.

Sec. 2. *Be it further enacted*, That the capital stock of the said Georgetown and Rail Road Turnpike Company, shall be thirty thousand dollars, to be divided into three hundred shares of one hundred dollars each; and so soon as one hundred or more shares of said capital stock shall be subscribed, the subscribers thereof shall be, and they are hereby declared to be incorporated into a company, by the name of the Georgetown and Rail Road Turnpike Company, and under that name and style shall be a body politic and corporate.

Amount of capital stock.

Company incorporated and style thereof.

Sec. 3. *Be it further enacted*, That the said commissioners shall enter in the books opened for subscriptions the following obligation, to be signed by the subscribers to the capital stock of said company, to wit: "We, whose names are hereunto subscribed, do respectively promise to pay to the President, Directors and Company of the Georgetown and Rail Road Turnpike Company, the sum of one hundred dollars for each and every share of stock in said company set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and directors of said company, agreeably to an act incorporating the Georgetown and Rail Road Turnpike Company."

Form of the obligation to be signed by the subscribers of stock.

Sec. 4. *Be it further enacted*, That when one hundred shares of stock shall have been subscribed, it shall be the duty of said commissioners to give at least fifteen days notice in some newspapers printed in Georgetown or Lexington, that an election will be held at the court-house in Georgetown, at such time as said commissioners shall specify, to choose the president and directors of said company—which election shall be made by such persons, and in the same manner as is directed in an act approved February

When 100 shares are subscribed a general meeting to be held for the election of president and directors.

1834.

7, 1828, incorporating the Lexington and Frankfort Turnpike or Rail Road Company.

The road to be made from Georgetown to some point on the rail road.

The width of the road.

The trustees of towns, county courts or corporations may subscribe for stock.

The powers and privileges granted to be such as are given by an act of 1828, incorporating the Lexington and Frankfort road company,

Exceptions.

Proviso.

SEC. 5. *Be it further enacted*, That the president and directors of said company shall be, and they are hereby invested with all the rights and powers necessary for the construction or repair of a McAdamised turnpike road from Georgetown to some one point on the Lexington and Ohio Rail Road, to be designated by a majority of the subscribers; the width of which road shall be forty feet, and of the artificial or McAdamised part thereof not less than sixteen feet.

SEC. 6. *Be it further enacted*, That it shall be lawful for the trustees of any of the towns of this Commonwealth, or for any county court, or any corporation through their agent by them respectively appointed for that purpose, to subscribe for and hold shares in the capital stock of said company, in the same manner that natural persons may, and to exercise and enjoy the same rights of voting by their respective agents or officers, and all other rights and privileges that other stockholders may.

Sec. 7. *Be it further enacted*, That as soon as said Georgetown and Rail Road Turnpike Company is organised, the president, directors, and stockholders shall possess all the powers, rights, privileges, and immunities, and shall and may do all the acts and things necessary for carrying on and completing said McAdamised turnpike road, and for laying out the same, and shall be subject to duties, qualifications, restrictions, penalties, fines, and forfeitures, and shall be entitled to the like tolls and profits, as are given to the president, managers, and company of the Lexington and Frankfort Turnpike or Rail Road Company: and all parts of an act, approved February 7, 1828, entitled, "an act to incorporate the Lexington and Frankfort Turnpike or Rail Road Company," except so far as is provided for in this act, or may come in collision with the provisions of the same, are hereby re-enacted as a part hereof: *Provided, however*, That said company may have the privilege, if they think it expedient, to erect two toll-gates upon said road, to wit: one at the distance of two thirds of a mile at least from Georgetown, and the other at the distance of at least three hundred yards from the point of intersection of said McAdamised road with the Lexington and Ohio rail road.

SEC. 8. *Be it further enacted*, That if the said company shall not within three years proceed to carry on

the work, or shall not within ten years after they commence, complete the same, according to the true intent and meaning of this act, then, and in either of these cases, it shall and may be lawful for the Legislature of this state to resume all and singular the rights and privileges in this act granted to said company.

1834.

Time allowed for commencing and completing the road.

(Approved February 24, 1834.)

CHAP. 552.—AN ACT to amend the law establishing a State Road from Lexington to Ghent, on the Ohio River.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the state road, established in pursuance of an act, entitled, "an act for the establishing of a state road from Lexington to Ghent, on the Ohio river," approved December, 10, 1822, shall be so enlarged and extended, as to pass from the termination of said road at the town of Ghent, as established under said act, through the main street of said town to the Ohio river, at the low water mark thereof, at the landing of the ferry now established in the name of Griffin P. Theobalds: the said extension and enlargement of said road as hereby established, shall be opened and kept in good repair, in like manner as the said state road is worked and kept in repair.

The said road extended thro' the main street of Ghent to low water mark.

And to be kept open and in repair.

[Approved February 24, 1834.]

CHAP. 553 —AN ACT to provide for the appointment of Commissioners for the Counties of Butler, Henderson, and Muhlenburg, in addition to those appointed for the improvement of Green River, by an act approved February 2, 1833.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Charles F. Wing, of the county of Muhlenburg, Craven Boswell, of the county of Henderson, and James Tyler, of the county of Butler, be, and they are hereby appointed commissioners, in addition to those appointed by an act of the General Assembly of the Commonwealth of Kentucky, entitled, "an act to remove the obstructions to navigation at the falls of Green river, and for other purposes," approved February 2, 1833, whose duty it shall be to

Additional com'rs added to the present board.

1834.

Who are to qualify and give bond and act in conjunction with the former commissioners.

attend in the town of Hartford, on the first Monday in May next, and in conjunction with those who have heretofore been qualified agreeably to said recited act, give bond and approved security, in the penal sum provided for in an act of the present session of the General Assembly, entitled, "an act supplementary to an act, entitled, an act to remove the obstructions to the navigation of the falls of Green river, and for other purposes;" who, when so qualified, shall have the same powers, and perform the same duties as are required of the other commissioners appointed in the above recited act.

[Approved February 24, 1834.]

CHAP. 554.—AN ACT to establish the town of Portland; and for other purposes.

The town of Portland established on the original plan.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the town of Portland in Jefferson county, be, and the same is hereby established upon the plan laid out by William Lytle, and recorded in the office of the clerk of Jefferson county, which said plan is ratified and established, except so much thereof as is embraced in the bounds of the city of Louisville.

Trustees appointed.

To be governed by the general laws in relation to towns.

SEC. 2. *Be it further enacted*, That Enoch S. Wentzell, Daniel Minton, William Butterfield, William Barnes and Nicholas Commandeux, be, and they are hereby appointed Trustees for said town, who, as well as their successors, shall have the same power and authority, and shall perform the same duties as are given and imposed by the general laws of this Commonwealth in relation to Trustees of towns.

To remain in office until March 1835. Trustees for said town to be elected annually thereafter.

SEC. 3. *Be it further enacted*, That the said Trustees shall remain in office until the first Monday in March, 1835, on which day, and on the first Monday in March in each succeeding year, the free male inhabitants of said town, of the age of twenty-one and upwards, shall meet at such place as may be designated by the Trustees in said town, and choose by vote, viva voce, five fit persons for Trustees, to serve for one year, and until their successors are duly elected.

A clerk to be annually appointed.

SEC. 4. *Be it further enacted*, That the said Trustees shall appoint a town clerk, who shall continue in office until the election succeeding his appointment; and

in like manner each new board of Trustees shall appoint a clerk to serve for the same term, whose duty it shall be to keep a fair record of the proceedings of the Trustees, and to give public notice, by advertisement in said town, at least ten days previous to any election for Trustees; and he shall, together with any two of the Trustees, conduct all elections and declare the persons elected, and make record of the same.

1834.

His duty prescribed.

SEC. 5. *Be it further enacted*, That if the citizens of said town, shall at any time hereafter, fail to have an election on the day appointed in this act, that then, and in that case, the clerk, or any Trustee, may upon giving ten days previous notice, have an election held for Trustees, which shall be as legal as though it had taken place on the day herein appointed.

Trustees may be elected on another day than the one fixed by law.

SEC. 6. *Be it further enacted*, That the Trustees herein appointed, and their successors in office, a majority of them concurring therein, shall have full power to pass all laws which they may from time to time think advisable for the government of said town: *Provided*, They be not contrary to the laws and constitution of this state.

Trustees may enact laws for the government of the town.

SEC. 7. That the town of Paintsville in Floyd county, be, and the same is hereby established, upon the plan laid out by Henry Dickson; a plat of the same is hereby directed to be recorded in the Floyd county court clerk's office, which said plan is ratified and established by virtue of this act; and John Auxer, James Franklin, Thomas Wallace, James Harris and John B. Laughhorn, be, and they are hereby appointed Trustees of said town, who as well as their successors shall have the same powers and authority, and shall perform the same duties as are given and empowered by the general laws of this Commonwealth in relation to Trustees of towns.

The town of Paintsville in Floyd county established on the plan laid out by the proprietor. Trustees appointed.

To be governed by the general laws in relation to towns.

SEC. 8. That the Trustees and citizens of said town shall in every respect be governed by the third, fourth, fifth and sixth sections of this act.

The trustees, &c. to be gov'd by the 3, 4 & 6 secs. of this act.

(Approved February 24, 1834.)

CHAP. 555.—AN ACT to regulate tolls on the Sandy Road.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in addition to the tolls now allowed by law under the "act making an

1834.

Additional tolls
to be collected.

appropriation to aid in the repair of the Sandy road, and to authorise a Turnpike gate thereon," approved January 15, 1831, there shall be allowed and paid for passing said gate, for every hundred head of hogs, fifty cents, and in that proportion for a greater or less number, and for mail stages, the same tolls as for four wheeled carriages.

Com'rs to settle
their ac'ts
under the pro-
visions of this
act. &c.

SEC. 2. *Be it further enacted*, That the commissioners appointed under the above recited act, shall make report, and settle their accounts in the same manner as is required to be done by the commissioners under the act passed during the present session, to amend the above recited act, and shall receive the same compensation for their services.

An additional
com'r appoint-
ed in Greenup
county.

SEC. 3. *Be it further enacted*, That Gabriel Scott of Greenup county, shall constitute one of the board of commissioners appointed by an act, to amend an act, making an appropriation to aid in the repair of the Sandy road, and to authorise a Turnpike gate thereon, approved January 15, 1831, who shall possess all the powers that are delegated to the other commissioners, and shall in all respects be governed in like manner, as the other commissioners are by the above recited act.

(Approved February 24, 1834.)

CHAP. 556.—AN ACT to authorise an additional subscription on the part of the Commonwealth, in the stock of the board of Internal Improvement for Franklin County.

The Governor
authorised to
subscribe ad-
ditional stock in
said road to an
amount equal
to that of indi-
viduals in or-
der to complete
it.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in order to secure the completion of the Turnpike road from Hardinsville to Frankfort, that whenever individuals shall subscribe for any number of shares not exceeding fifty, in the stock of the corporation, styled the board of internal improvement for Franklin county, the Governor shall be, and he is hereby authorised and empowered to subscribe from time to time, for an equal number of shares on behalf of the Commonwealth, in addition to the stock already subscribed by the state, and to be paid in the proportion, and as directed by the fourth section of an act, approved February 2, 1833, entitled, "an act to authorise an additional subscription on be-

How to be paid
for.

half of the Commonwealth, in the stock of the board of internal improvements for Shelby county, and for other purposes." 1834.

[Approved February 24, 1834.]

CHAP. 557.—AN ACT for the benefit of the Clerk of the Calloway County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the provisions of an act, approved January 4, 1833, entitled, "an act to authorise the recording of deeds, remaining unrecorded in the clerk's office of the Logan county court, at the death of the late clerk," be applied to the county of Calloway, the county court clerk of said court having recently died.

[Approved February 24, 1834.]

CHAP. 558.—AN ACT concerning free persons of color in this Commonwealth.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, if any free person of color, residing in any town or city within this Commonwealth, shall presume to keep a disorderly house, or shall harbor any runaway slave, knowing him to be such, or shall be found loitering about, engaged in, no honest calling to obtain a support, it shall be lawful for the Mayor of such city, or for the Trustees of such town, to issue a summons against the said free person of color, stating therein the nature of the offence, and citing him or her to trial before said Mayor or Trustees, which summons shall be issued in the name of the Commonwealth of Kentucky, directed to any constable or other officer of the county in which said offence is alleged to have been perpetrated, and shall be executed, and set for trial as other warrants in civil cases.

Mayor of any city or trustees of any town invested with power to try free persons of color for keeping disorderly houses, or such as are vagrants.

SEC. 2. *Be it further enacted,* That it shall be the duty of the constable or other officer serving such warrant, to summon a jury to attend at the time and place set for such trial, who shall be sworn by said Mayor,

Jury to be empanelled.

1834.

or some one of said Trustees, as jurors are now sworn in civil cases, and who shall hear the evidence, both for the Commonwealth and the defendant, and render their verdict thereon; upon which the said Mayor or Trustees shall enter up a judgment of condemnation or acquittal, as the case may be.

Defendant may
challenge jurors

SEC. 3. *Be it further enacted,* That the defendant in said summons, shall have the same right of challenge as now allowed by law in civil cases, and the said Mayor, or some three of the Trustees, shall preside over said inquest, and determine all matters of law, arising in the progress of said trial.

Defendant not
to be tried un-
less the sum-
mons be execu-
ted two days be-
fore the day of
trial.

SEC. 4. *Be it further enacted,* That the defendant in said summons, shall not be compelled into a trial of said cause, unless the said summons has been executed on said defendant, at least two days before the day set for trial; and if upon such trial, the said defendant shall make default, or upon a full hearing of the case shall be adjudged guilty by said jury, then it shall, and may be lawful for said Mayor or Trustees, to cause said defendant to be taken into immediate custody, and to be hired out at public auction, to the highest bidder, for any term not exceeding three months; taking from the hirer, bond with approved security, for the price of hire, payable to the said Mayor or Trustees, or their successors in office, at such time as they may require; the amount of which bond, when collected, shall be applied, first to the payment of the debts, if any he owes, and to the improvement of the streets of said town or city, or in such other manner for the benefit of said town or city, as the Mayor and Council of such city, or the Trustees of said town may direct, unless the defendant has a free family, and if he has, then the amount of hire to be applied to their use and benefit.

Defendant to be
hired out if guil-
ty at public
auction, not ex-
ceeding three
months.

Amount of hire
first applied to
the payment of
his debts, then
to his family if
free, or to the
use of the town
or city.

SEC. 5. *Be it further enacted,* That the person hiring said free person of color, in pursuance of the provisions aforesaid, shall be, and he is hereby permitted to take said person into his custody, and have the use and benefit of his services, during the term of hire as aforesaid: *Provided, however,* That the person hiring as aforesaid, shall be required to provide good, wholesome diet, lodging and clothing, for the said person of color, during the time of hire as aforesaid; and to that end shall execute bond with good security, to the said Mayor or Trustees, for the use of said person of color, conditioned for the faithful performance of the above

Hirer required
to furnish food,
clothing, &c.
and to give
bond, &c.

duties; and that he will not remove, or permit any one else, with his knowledge, to remove said defendant without the county, during the time said defendant shall be held as aforesaid.

1834.

SEC. 6. *Be it further enacted*, That if any free person of color, residing out of the incorporated limits of any town or city as aforesaid, shall be guilty of any one of the offences enumerated in the first section of this act, it shall be lawful for any free white person to apply to any justice of the peace of the county, in which said free person of color resides, for a summons to be served, executed and tried before said justice, in the same manner, and under the same regulations as herein provided, for trials before Trustees of towns, except that the proceeds of hire shall be applied to the use and benefit of the defendant's family, if he has a free family, if not applied in lessening the county levy; and to that end, the bond required of the hirer shall be executed to the said justice for the use of the county court of said county, or for the use of the family of the defendant, as the case may be, and be lodged with the clerk of said court.

Justices of the peace given same powers in the bounds of their county not included in a town or city.

Hire to be applied first for the benefit of his family if free, if not to the county.

SEC. 7. *Be it further enacted*, That if any free person of color as aforesaid, shall at any time presume to sell any ardent spirits to any slave or slaves, he or she so offending, shall be deemed guilty of keeping a disorderly house, and shall be subject to be dealt with according to the provisions of this act.

Prohibition to selling ardent spirits to slaves by a free man of color.

(Approved February 24, 1834.)

CHAP. 559.—AN ACT to appropriate a sum of money to improve the road from the city of Louisville to the Tennessee state line, in a direction to Knoxville.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of six hundred dollars, be, and the same is hereby appropriated to improve and work upon the state road, which is established from the city of Louisville, to Columbia, Adair county, and to be surveyed from Columbia to the Tennessee state line, in a direction to Knoxville, established and authorised to be surveyed by an act of the Legislature, approved the 22d day of January, 1833.

\$600 appropriated by the state.

SEC. 2. *Be it further enacted*, That the said six hundred dollars hereby appropriated, shall be applied as

On what part of the road to be

Pr

1834.

appropriated &
expended.

\$250 to be under the control of the Wayne county court, and the remainder under the Russell and Adair county courts.

A commissioner to be appointed by each of said courts to superintend the improvement in their county.

To give bond and security, &c.

The county c't of Wayne to appoint a person to receive the appropriation.

Money to be paid on the warrant of the auditor.

follows: one hundred and fifty dollars from Columbia to Jamestown, two hundred dollars from Jamestown to James Dean's in Wayne county, and two hundred dollars from said Dean's, to the Tennessee state line.

SEC. 3. *Be it further enacted*, That the sum hereby appropriated, shall be, two hundred and fifty dollars of it, under the control of the county court of Wayne, two hundred dollars of it, under the control of the county court of Russell, and one hundred and fifty dollars under the control of the county court of Adair.

SEC. 4. *Be it further enacted*, That it shall be the duty of the respective county courts aforesaid, to appoint each of them a commissioner, and require of him bond and security, in such sum as they may deem reasonable, to receive the above sums of money, and faithfully to apply the same on that part of said road, for which said commissioner may be appointed, and on such part thereof as requires most to be improved; which bonds shall be made payable to the respective county courts, and for a breach thereof may be put in suit; and the said county court, shall allow their respective commissioners out of the money hereby appropriated, a reasonable compensation for their trouble.

SEC. 5. *Be it further enacted*, That the county court of Wayne shall appoint some person to receive and draw from the public Treasury, the money hereby appropriated, and allow him a reasonable sum thereof for his trouble in going to, and returning from Frankfort.

SEC. 6. *Be it further enacted*, That when the county court of Wayne shall appoint an agent or commissioner to draw said money, and take from him bond and good security to draw said money, and pay the same over to the commissioners appointed by the respective county courts, the amounts to which they are respectively entitled, and certify the same to the Auditor of public accounts; he shall draw his warrant in the name of said commissioner, on the Treasurer for the amount, who shall pay the same out of any money in the Treasury, not otherwise appropriated.

[Approved February 24, 1834.]

RESOLUTIONS.

A RESOLUTION appointing a Joint Committee to examine the Register's Office.

Resolved, by the Senate and House of Representatives, That a joint committee of six members of the House of Representatives, and three from the Senate, be appointed to examine into the state of the Register's office.

[Approved January 24, 1834.]

A RESOLUTION to appropriate a room to the left hand of the entrance into the Capitol, for the use of the Public Library.

Resolved, by the Senate and House of Representatives of the General Assembly of the Commonwealth of Kentucky, That the room on the basement story to the left hand of the entrance into the capitol, be set apart for the use of the public library of the state.

[Approved January 30, 1834.]

A RESOLUTION appointing a Committee to digest the Militia Laws of this State.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That Col. Peter Dudley and Lewis Sanders, jr., be, and they are hereby appointed a committee for the purpose of digesting the laws of this state now in force concerning the militia, and that they prepare such amendments as they shall consider expedient and essential to the efficient organization of the militia, and for the taking care of, and preserving the public arms; and also to collect and digest the several acts of Congress on the same subject, and that they present the same to the next General Assembly in the shape of a bill, with a view to legislative action.

Resolved, further, That our Senators and Representatives in Congress be requested to procure the passage of a law so to enlarge the franking privilege, as to allow the adjutant-general, major, and brigadier-general, to frank all militia communications directly to the commandants of regiments.

(Approved February 4, 1834.)

A RESOLUTION to procure certain Surveys of the Rivers in this Commonwealth.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the Governor be requested to apply to the War Department of the National Government, to be furnished with such surveys as may have been made of the rivers within this Commonwealth; and that the Representatives of Kentucky in Congress be informed of this resolution.

[Approved February 8, 1834.]

RESOLUTIONS.

A RESOLUTION fixing on a day for the election of Public Officers.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That they will, on the fifteenth instant, proceed, by a joint vote of both houses, to the election of a treasurer, public printer, librarian, keeper of the penitentiary, a president of the Bank of Kentucky, and a president of the Bank of the Commonwealth.

[Approved February 14, 1834.]

A JOINT RESOLUTION directing the Secretary of State to furnish Mann Butler with copies of certain Documents.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky, that Mann Butler, Esq. is now engaged in writing a History of Kentucky, and that the Governor has recently obtained possession of a number of documents relating to the early settlement and legislation of the country: Therefore,

Be it resolved by the Senate and House of Representatives, That the Secretary of State be, and he is hereby required to furnish the said Butler with the whole or any part of said documents, upon the said Butler's executing his bond, in the penalty of one thousand dollars, payable to the Commonwealth of Kentucky, conditioned to return the said documents to the office of the Secretary of State, within twelve months from the date of said bond.

(Approved February 24, 1834.)

A RESOLUTION directing the burning of Commonwealth paper quarterly.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That hereafter it shall be the duty of the president and cashier of the Bank of the Commonwealth, quarterly, in the presence of the auditor and treasurer, to destroy, by burning, the notes on said bank that may be withdrawn from circulation.

[Approved February 24, 1834]

A RESOLUTION fixing on a day for an adjournment of the General Assembly.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on Monday, the 24th day of February, they will adjourn without day.

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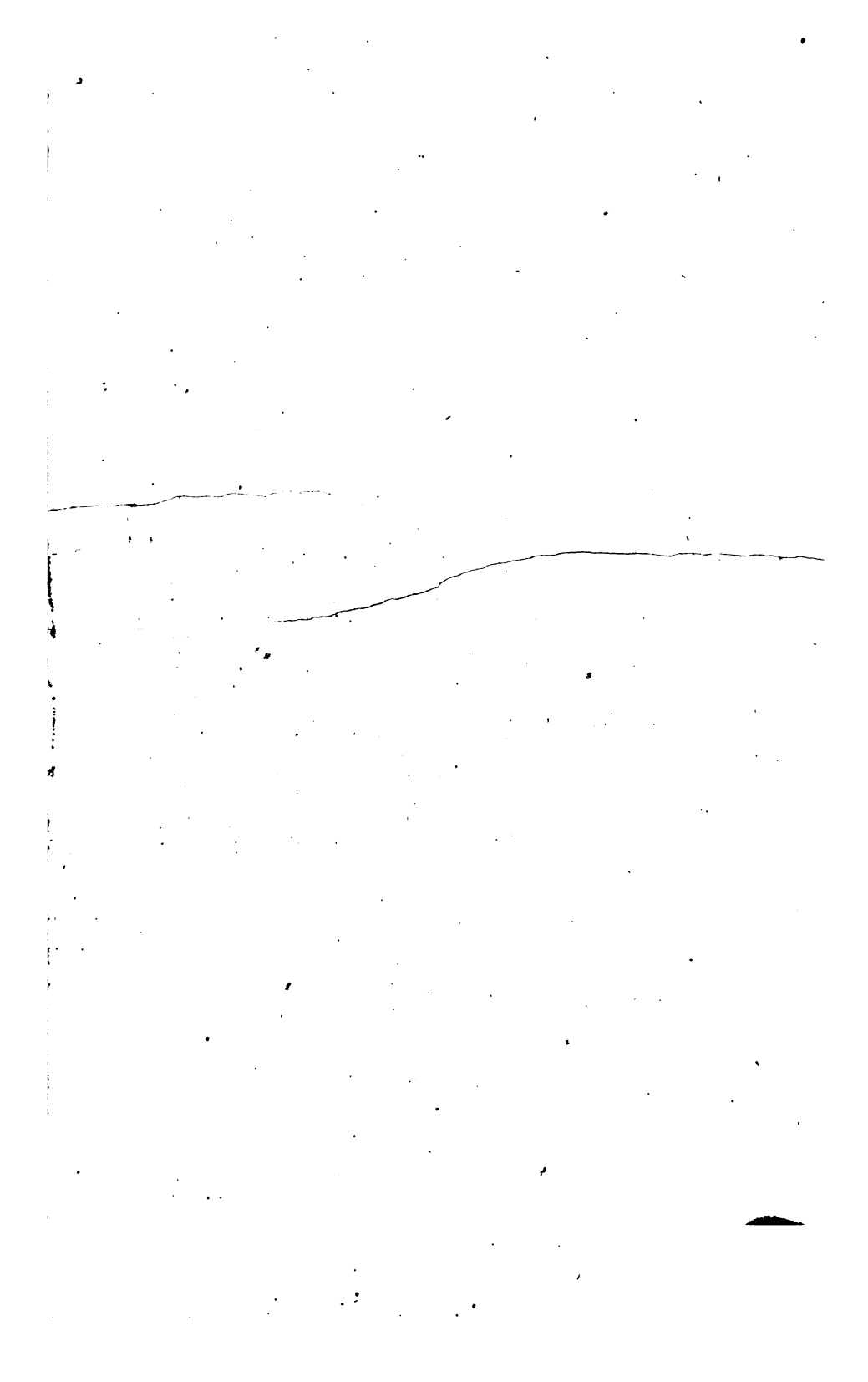
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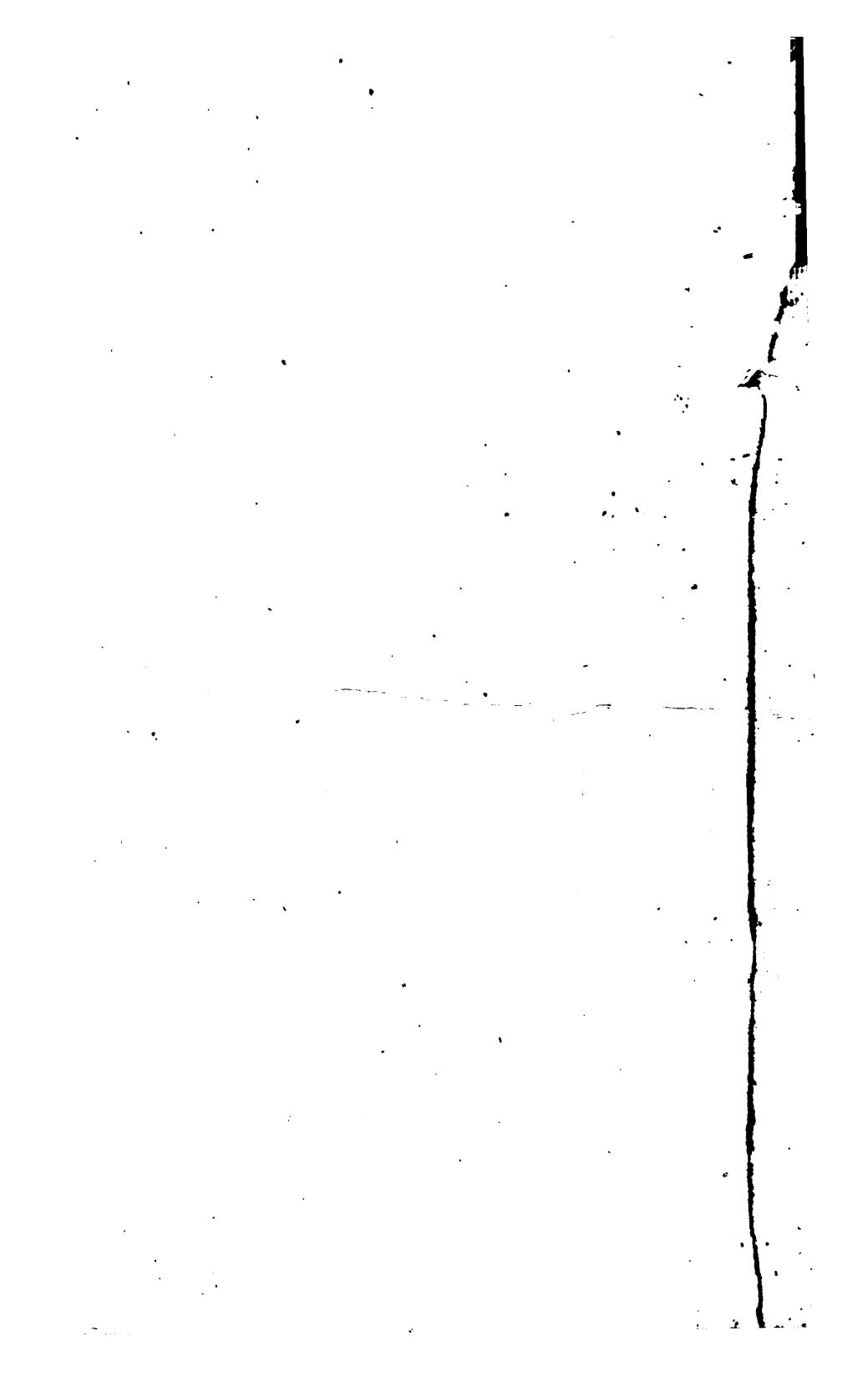
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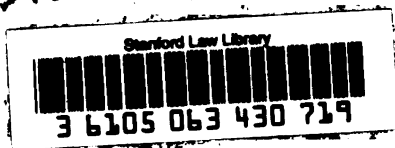








D. French



C. J. Helm

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